

PROPOSED KAIKOURA DISTRICT PLAN



DECISIONS

Section 6 – Recreation and Open Space

November 2005

Section 6: Recreation and Open Space

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1. Title

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.15	Federated Farmers of NZ Inc	oppose	Amend title to read: "Amenity and Open Space".
<i>F010.01.15</i>	<i>Federated Farmers (East Coast)</i>	<i>support 125.15</i>	<i>Support.</i>
<i>F005.08.15</i>	<i>Simon Chaffey</i>	<i>support 125.15</i>	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.15</i>	<i>W M Dowle</i>	<i>support 125.15</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>

b. Decision

Reject the following submission and further submissions:

125.15 **Federated Farmers of NZ Inc**
F010.01.15 ***Federated Farmers (East Coast)***
F005.08.15 ***Simon Chaffey***
F030.29.15 ***W M Dowle***

c. Reason

It is considered inappropriate to amend the title of the section, as:

1. Amenity issues are covered section 11 of the Plan, and
2. Section 6 of the plan is intended to provide for matters such as public access, open spaces, community facilities etc. that are best dealt with under the title of “recreation”.

d. Amendments necessary

None.

2. General

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.08	Fish & Game Council (Nelson/Marlborough)	oppose	Include reference to the reserves or other public lands held or managed by statutory bodies such as the Department of Conservation and Fish and Game.
110.09	Fish & Game Council (Nelson/Marlborough)	oppose	Fish and Game supports the submissions of the Department of Conservation.

b. Decision

Accept the following submissions **in part**:

- 110.09** **Fish & Game Council (Nelson/Marlborough)**
- 110.08** **Fish & Game Council (Nelson/Marlborough)**

c. Reason

1. 110.09 - Fish & Game Council (Nelson/Marlborough)

The submission is accepted in part to the extent that some of the Department of Conservation's submissions have been accepted.

2. 110.08 - Fish & Game Council (Nelson/Marlborough)

The submission is accepted in part to the extent that existing paragraphs 4, 5, 6 and 7 under 6.1 Introduction – Ownership and Management already refer to ownership and management of reserves and other land.

d. Amendments necessary

None.

3. 6.1 Introduction

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.10	Fish & Game Council (Nelson/Marlborough)	oppose	Delete the word "coastal" in the first paragraph.
110.11	Fish & Game Council (Nelson/Marlborough)	oppose	Delete the word "passive" in the second paragraph.
119.35	Department of Conservation	support	Add new paragraph after the second paragraph describing and naming some recreation and open space reserves that are managed by the Department of Conservation.
119.36	Department of Conservation	n/a	Add after the final paragraph of the section titled "Ownership and Management" text referring to the Plan recognising the Conservation Management Strategy, except areas not part of the Strategy, and to refer to the primary purpose of conservation land.
119.37	Department of Conservation	n/a	Add at the end of the third paragraph a text referring to effects of activities on surface water on ecological functioning and habitat, and that the Council is to ensure that the adverse effects of these activities are in accordance with s5 of the RMA.
129.43	Royal Forest & Bird Protection Society of NZ	support	Retain.
<i>F032.01</i>	<i>Forest & Bird (Central Office)</i>	<i>support</i> <i>119.37</i>	<i>Activities on the surface of waterbodies can have adverse effects.</i>
<i>F023.01.43</i>	<i>R & J King</i>	<i>oppose</i> <i>129.43</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F009.01.43</i>	<i>Fed Farmers (NZ)</i>	<i>oppose</i> <i>129.43</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.43</i>	<i>M & J Syme</i>	<i>oppose</i> <i>129.43</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F005.02.43</i>	<i>Simon Chaffey</i>	<i>oppose</i> <i>129.43</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>

<i>F010.11.43</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.43</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F028.02.43</i>	<i>Sandy Chaffey</i>	<i>oppose 129.43</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F030.01.43</i>	<i>W M Dowle</i>	<i>oppose 129.43</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>

b. Decision

Accept the following submissions and further submission:

- 110.10** **Fish & Game Council (Nelson/Marlborough)**
- 110.11** **Fish & Game Council (Nelson/Marlborough)**
- 119.37** **Department of Conservation**
- F032.01** **Forest & Bird (Central Office)**

Accept the following submissions and further submissions **in part**:

- 119.35** **Department of Conservation**
- 119.36** **Department of Conservation**
- 129.43** **Royal Forest & Bird Protection Society of NZ**
- F009.01.43* *Fed Farmers (NZ)*
- F004.84.43* *M & J Syme*
- F005.02.43* *Simon Chaffey*
- F010.11.43* *Federated Farmers (East Coast)*
- F028.02.43* *Sandy Chaffey*
- F030.01.43* *W M Dowle*

c. Reason

1. 110.10 - Fish & Game Council (Nelson/Marlborough)

It is considered appropriate to provide the relief sought as freshwater fishing is also being undertaken and the amendment will provide the necessary certainty.

2. 110.11 - Fish & Game Council (Nelson/Marlborough)

It is considered appropriate to delete the word “passive”, as both active and passive activities occur on the surface of lakes. The amendment will therefore result in the text being more accurate and reflecting the real situation.

3. 119.37 - Department of Conservation

The amendment is considered necessary to clarify and explain the Council’s duties and functions under the Act with regard to the surface of waterbodies.

4. 119.35 - Department of Conservation

The submission is accepted in part to the extent that a new paragraph is considered appropriate to include in this section of the Plan, but that the wording has been changed. The amendment is considered necessary as it:

- (i) Provides the necessary clarification and certainty by clearly distinguishing between the roles of the Council and the Department of Conservation in relation to reserves; and
- (ii) Provides the necessary clarification and certainty about the role of the Department of Conservation under the Reserves Act, which is different from its role under the Conservation Act.

5. 119.36 - Department of Conservation

- (i) The submission is accepted in part to the extent that the amendment:
 - Will provide clarification about the relationship between the Plan and the Conservation Management Strategy.
 - Will further explain the role of the Department of Conservation under the Conservation Act.
 - Will play an important role in education and advocacy.
- (ii) The submission is however rejected in part in order to be consistent with other decisions to decline the introduction of a Conservation Zone in the Plan.
- (iii) As a consequence, it is considered necessary to amend section 1.5 Relationship With Other Plans and Strategies to include reference to the Conservation Management Strategy, as the amendment will be consistent with section 74 of the Act.

6. 129.43 - Royal Forest & Bird Protection Society of NZ

The submission is accepted in part to the extent that section 6.1 Introduction is retained but has been amended as a result of submissions.

d. Amendments necessary

1. **Delete** “coastal” from the first sentence under 6.1 Introduction.
2. **Delete** “passive” from the second to last sentence of the third paragraph under 6.1 Introduction.
3. **Add** the following sentence to the end of third paragraph under 6.1 Introduction – Ownership and Management:

“The Department of Conservation manages a range of reserves, of varying sizes and in many locations throughout the district, for different conservation purposes.”

4. **Add** the following at the end of the third paragraph under 6.1 Introduction:

“Activities on the surface of waterbodies may have adverse effects on ecological functioning and habitat. Council is required to ensure that adverse effects of these activities are managed in accordance with the purposes and principles of the Act.”

5. **Add** the following under the last paragraph under 6.1 Introduction - Ownership and Management:

“Generally, the types of activities and consequently the effects within a reserve are those indicated by management plans under the above legislation. In the case of lands managed by the Department of Conservation, the Department has prepared a Conservation Management Strategy for the Nelson/Marlborough conservancy. The Plan provides for activities in accordance with the provisions of this strategy. Activities that are undertaken on conservation lands other than in accordance with this strategy or that have adverse effects that extend beyond the boundaries of the reserve area are managed through the provisions of the Plan.”

6. As a **consequential amendment, add** the following as a fifth bullet point to section 1.5 - Relationships with Other Plans and Policy Documents:

“ Conservation Management Strategy (Nelson/Marlborough Conservancy)”

4. 6.2 Issue 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.38	Department of Conservation	support	Retain.
129.44	Royal Forest & Bird Protection Society of NZ	oppose	Amend to read: "The current availability and distribution of land and facilities for recreation and amenity is not adequate for current and foreseeable needs recreational needs or residents and visitors."
<i>F028.02.44</i>	<i>Sandy Chaffey</i>	<i>oppose 129.44</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F023.01.44</i>	<i>R & J King</i>	<i>oppose 129.44</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F009.01.44</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.44</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F030.01.44</i>	<i>W M Dowle</i>	<i>oppose 129.44</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F005.02.44</i>	<i>Simon Chaffey</i>	<i>oppose 129.44</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.44</i>	<i>M & J Syme</i>	<i>oppose 129.44</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F010.11.44</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.44</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>

b. Decision

Accept the following submission and further submissions:

119.38 **Department of Conservation**
F028.02.44 **Sandy Chaffey**

<i>F023.01.44</i>	<i>R & J King</i>
<i>F009.01.44</i>	<i>Fed Farmers (NZ)</i>
<i>F030.01.44</i>	<i>W M Dowle</i>
<i>F005.02.44</i>	<i>Simon Chaffey</i>
<i>F004.84.44</i>	<i>M & J Syme</i>
<i>F010.11.44</i>	<i>Federated Farmers (East Coast)</i>

Reject the following submission:

129.44 **Royal Forest & Bird Protection Society of NZ**

c. Reason

1. 119.38 - Department of Conservation

Support for the issue is acknowledged.

2. 129.44 - Royal Forest & Bird Protection Society of NZ

It is not considered appropriate to amend the issue as suggested, as the issue simply is not the “inadequate availability” of land for open spaces but rather the distribution of land for the purposes of open spaces and recreation in an equitable manner.

d. Amendments necessary

None.

5. 6.2.1 Objective 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.39	Department of Conservation	support	Retain.
129.45	Royal Forest & Bird Protection Society of NZ	Oppose	Amend to read: "To provide for a range open space and recreational areas and facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents and visitors."
<i>F023.01.45</i>	<i>R & J King</i>	<i>oppose 129.45</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F004.84.45</i>	<i>M & J Syme</i>	<i>oppose 129.45</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F030.01.45</i>	<i>W M Dowle</i>	<i>oppose 129.45</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>
<i>F010.11.45</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.45</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.45</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.45</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.45</i>	<i>Simon Chaffey</i>	<i>oppose 129.45</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F028.02.45</i>	<i>Sandy Chaffey</i>	<i>oppose 129.45</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>

b. Decision

Accept the following submissions **in part**:

119.39 **Department of Conservation**
129.45 **Royal Forest & Bird Protection Society of NZ**

Reject the following further submissions **in part**:

F023.01.45 ***R & J King***
F004.84.45 ***M & J Syme***

<i>F030.01.45</i>	<i>W M Dowle</i>
<i>F010.11.45</i>	<i>Federated Farmers (East Coast)</i>
<i>F009.01.45</i>	<i>Fed Farmers (NZ)</i>
<i>F005.02.45</i>	<i>Simon Chaffey</i>
<i>F028.02.45</i>	<i>Sandy Chaffey</i>

c. Reason

1. 129.45 - Royal Forest & Bird Protection Society of NZ

The amendment is considered appropriate as it provides clarity and certainty without altering the intent of the objective. However, it is considered necessary to amend the wording slightly by deleting the words “for a range of” for the following reasons:

- (i) It is considered superfluous, as the words “*meet the diverse needs of residents and visitors*” already imply a diversity of open space, recreational areas and facilities.
- (ii) It does not add any value to the objective in terms of effectiveness and efficiency.

2. 119.39 - Department of Conservation

The submission is accepted in part to the extent that its wording has been amended as a result of submissions.

d. Amendments necessary

Amend 6.2.1 Objective 1 to read as follows:

“To provide open space, recreational areas and facilities that are equitably distributed or conveniently located throughout the district to meet the diverse needs of residents and visitors.”

6. 6.2.2 Policy 2 (d)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.12	Fish & Game Council (Nelson/Marlborough)	oppose	Include linkage for other forms of recreation.

b. Decision

Accept submission **110.12 Fish & Game Council (Nelson/Marlborough)**

c. Reason

It is considered appropriate to encompass access in general rather than being limited to links associated with walkways and cycleways.

d. Amendments necessary

Amend 6.2.2 Policy 2(d) to read as follows:

“ the role of land in providing access linkages, for example, walkway and cycleway links.”

7. 6.2.2 Policy 2 (g)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.13	Fish & Game Council (Nelson/Marlb)	support	None sought.

b. Decision

Accept submission **110.13 Fish & Game Council (Nelson/Marlb)**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

8. 6.2.2 Policy 2 (i)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.14	Fish & Game Council (Nelson/Marlb)	support	None sought.

b. Decision

Accept submission **110.14 Fish & Game Council (Nelson/Marlb)**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

9. 6.2.2 Policy 2 (h)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.15	Fish & Game Council (Nelson/Marlborough)	oppose	Include the natural character of rivers, streams and lakes as well as the coast.

b. Decision

Accept submission **110.15 Fish & Game Council (Nelson/Marlborough)**

c. Reason

It is considered appropriate to provide the relief sought, as the amendment will more accurately reflect section 6(a) of the Act, which includes other waterbodies.

d. Amendments necessary

Amend 6.2.2 Policy 2(h) to read as follows:

“ any effect of the recreational area on the natural character of the coastal environment, wetlands, lakes and rivers and their margins;”

10. 6.2.2 Policy 2 (j)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
131.19	NZ Historic Places Trust	support	Retain.
<i>F010.14.19</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.19</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

b. Decision

Accept submission **131.19 NZ Historic Places Trust**

Reject submission *F010.14.19 Federated Farmers (East Coast)*

c. Reason

1. Support for the policy is acknowledged.
2. The policy is considered necessary, as it will give effect to the objective, which in turn is considered the most appropriate way to achieve the purpose of the Act.

d. Amendments necessary

None.

11. 6.2.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.16	Fish & Game Council (Nelson/Marlborough)	oppose	Include the provision of access to and along water bodies of value or potential value to the public for public access, or for environmental protection.

b. Decision

Accept submission **110.16 Fish & Game Council (Nelson/Marlborough)**

c. Reason

The maintenance and enhancement of public access to waterbodies and the coastal marine area as a matter of national importance under the Act is acknowledged. However, the provision of access to waterbodies is considered adequately provided for in objective 6.4.1 and the policies under 6.4.2. In terms of effectiveness, it is considered best to provide for the requirement of financial and/or reserve contributions as an implementation method under 6.4.3. This will provide the necessary link with, for example, existing rules 14.6(5) and 14.6(6) that require financial/reserve contributions towards access whenever subdivision or development occurs within the district. It should however be noted that financial and/or reserve contributions are no longer levied in terms of the Act, but are levied under the Local Government Act 2002.

d. Amendments necessary

Add the following new implementation method to 6.4.3 to read as follows:

“ The requirement of financial and/or reserve contributions towards public access whenever subdivision or development occurs within the District.”

12. 6.2.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
131.20	NZ Historic Places Trust	oppose	Add new clause 3(d):" the protection of heritage features."
<i>F010.14.20</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.20</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous – more consultation / investigation is needed.</i>

b. Decision

Reject submission **131.20 NZ Historic Places Trust**

Accept further submission *F010.14.20 Federated Farmers (East Coast)*

c. Reason

It is not considered appropriate to include the relief sought, as the purposes for reserve contributions do not include the enhancement or protection of heritage features.

d. Amendments necessary

None.

13. 6.2.2 Policy 5

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
125.16	Federated Farmers of NZ Inc	oppose	Amend to read: ".....and developments within the geographic area in which the activity occurred for the"
<i>F010.01.16</i>	<i>Federated Farmers (East Coast)</i>	<i>support 125.16</i>	<i>Support.</i>
<i>F005.08.16</i>	<i>Simon Chaffey</i>	<i>support 125.16</i>	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.16</i>	<i>W M Dowle</i>	<i>support 125.16</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F032.02</i>	<i>Forest & Bird (Central Office)</i>	<i>oppose 125.16</i>	<i>Unclear how "geographic area" is defined.</i>

b. Decision

Reject the following submission and further submissions:

125.16 **Federated Farmers of NZ Inc**
F010.01.16 *Federated Farmers (East Coast)*
F005.08.16 *Simon Chaffey*
F030.29.16 *W M Dowle*

Accept the following submissions:

F032.02 *Forest & Bird (Central Office)*

c. Reason

The suggestion that the reserves should be created in the same geographical area as the development is considered to have some merit, however this may not always apply. For example, a reserve contribution taken for a multi-lot subdivision in Kaikoura township may be more appropriately spent on developing a reserve along the foreshore, than developing or enhancing a reserve in town.

This is considered consistent with Council's other documents and plans that promote the principle of integrated management of resources and sustainability. It is therefore considered more effective and efficient to retain a flexible approach. To retain this type of flexibility, the method is retained as is.

d. Amendments necessary

None.

14. 6.2.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.40	Department of Conservation	support	Retain. Support in particular Policy 2 (g), (h), (i), and (j).
129.46	Royal Forest & Bird Protection Society of NZ	support	Retain.
<i>F023.01.46</i>	<i>R & J King</i>	<i>oppose 129.46</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F009.01.46</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.46</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F010.11.46</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.46</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F028.02.46</i>	<i>Sandy Chaffey</i>	<i>oppose 129.46</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.46</i>	<i>Simon Chaffey</i>	<i>oppose 129.46</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.46</i>	<i>M & J Syme</i>	<i>oppose 129.46</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F030.01.46</i>	<i>W M Dowle</i>	<i>oppose 129.46</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>

b. Decision

Accept the following submissions **in part**:

- 119.40** **Department of Conservation**
- 129.46** **Royal Forest & Bird Protection Society of NZ**

Reject the following further submissions:

- F023.01.46* *R & J King*
- F009.01.46* *Fed Farmers (NZ)*
- F010.11.46* *Federated Farmers (East Coast)*

F028.02.46 Sandy Chaffey

F005.02.46 Simon Chaffey

F004.84.46 M & J Syme

F030.01.46 W M Dowle

c. Reason

The policies are considered necessary and the most appropriate way to give effect to the objective, which in turn is considered to be the most appropriate way to achieve the purpose of the Act. The submissions are therefore accepted in part to the extent that all the policies are retained, albeit with some amendments to enhance them.

d. Amendments necessary

None.

15. 6.2.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
113.05	Crown Public Health	oppose	Amend method 4(a) to read: "...and facilities such as potable drinking water supplies and public toilet/effluent treatment and disposal systems, within the District"
110.17	Fish & Game Council (Nelson/Marlborough)	oppose	Add to method 3 the setting aside of access strips.
119.45	Department of Conservation	support	Retain methods.
V20.02	Department of Conservation	support	Retain the proposed amendment to method 2.

b. Decision

Accept the following submissions:

113.05 Crown Public Health

Accept the following submissions **in part**:

119.45 Department of Conservation

110.17 Fish & Game Council (Nelson/Marlborough)

V20.02 Department of Conservation

c. Reason

1. 113.05 – Crown Public Health

It is considered appropriate to add the provision of public facilities to the implementation methods, as the Council does make provision for public facilities of the kind contemplated. It will also be consistent with policy 6.2.2(4).

2. 119.45 – Department of Conservation

The submission is accepted to the extent that the methods are retained, albeit amended as a result of submissions and Variation 2 to the Plan.

3. 110.17 - Fish & Game Council (Nelson/Marlborough)

It is considered appropriate to provide for the setting aside of access strips as an implementation method, as it will give effect to the policies. The amendment will also ensure more consistency and integration with implementation method 6.4.3(2).

4. V20.02 - Department of Conservation

Support for the method as amended by Variation 2 to the Plan is acknowledged.

d. Amendments necessary

1. **Amend** 6.2.3 Implementation Method 4(a) to read as follows:

“...and facilities, such as potable drinking water supplies and public toilet/effluent treatment and disposal systems, within the District.”

2. **Amend** 6.2.3 Implementation Method 3 to read as follows:

“ The setting aside of esplanade reserves, esplanade strips and access strips.”

16. 6.3 Issue 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
113.42	Crown Public Health	support	Retain.
113.45	Crown Public Health	support	Retain fourth paragraph.
119.49	Department of Conservation	support	Retain.
129.48	Royal Forest & Bird Protection Society of NZ	support	None sought.
132.10	Canterbury Regional Council	oppose	Replace the first paragraph explaining that RMA allows the Council to control activities on the surface of waterways, which are complementary to Maritime Rules administered by the Maritime Safety Authority and Bylaws made by Environment Canterbury.
132.11	Canterbury Regional Council	oppose	Replace the last sentence of the third paragraph with: "For this reason, the Council will continue to support the application and enforcement of Maritime Rules and Navigation Safety Bylaws."
132.12	Canterbury Regional Council	oppose	Add "Maritime Rules and Navigation Safety Bylaws can only regulate and control vessels for safety or navigation reasons or to prevent nuisances. Additional district rules may at some time be needed to protect habitat values." to the fourth paragraph.
<i>F004.84.48</i>	<i>M & J Syme</i>	<i>oppose 129.48</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F009.01.48</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.48</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F030.01.48</i>	<i>W M Dowle</i>	<i>oppose 129.48</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F028.02.48</i>	<i>Sandy Chaffey</i>	<i>oppose 129.48</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>

<i>F023.01.48</i>	<i>R & J King</i>	<i>oppose 129.48</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F010.11.48</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.48</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F005.02.48</i>	<i>Simon Chaffey</i>	<i>oppose 129.48</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F032.03</i>	<i>Forest & Bird (Central Office)</i>	<i>support 132.10</i>	<i>Integration of recreation management with resource management is important for protection of biodiversity.</i>

b. Decision

Accept the following submissions and further submission **in part**:

- 132.10** **Canterbury Regional Council**
- 132.11** **Canterbury Regional Council**
- 132.12** **Canterbury Regional Council**
- F032.03* *Forest & Bird (Central Office)*
- 113.42** **Crown Public Health**
- 113.45** **Crown Public Health**
- 119.49** **Department of Conservation**
- 129.48** **Royal Forest & Bird Protection Society of NZ**

Reject the following further submissions **in part**:

- F004.84.48* *M & J Syme*
- F009.01.48* *Fed Farmers (NZ)*
- F030.01.48* *W M Dowle*
- F028.02.48* *Sandy Chaffey*
- F023.01.48* *R & J King*
- F010.11.48* *Federated Farmers (East Coast)*
- F005.02.48* *Simon Chaffey*

c. Reason

1. **132.10 - Canterbury Regional Council; 132.11 - Canterbury Regional Council; 132.12 - Canterbury Regional Council**

It is considered appropriate to accept the submissions, as the relief sought are technically correct and better reflect the current situation. It is further considered to be in the best interest of integrated management. The amended text will also provide clarification and will improve certainty, as it clearly distinguishes between the roles of the two Councils. It is also considered necessary to make a consequential amendment to the third paragraph under 6.1

Introduction to make it clear that the Water Recreation Regulations 1979 have been superseded by Maritime Rule Part 91 made under the Maritime Transport Act 1994 and that the Regional Council's Navigation Safety Bylaws are made in accordance with Maritime Rule Part 91.

2. **113.42 - Crown Public Health; 113.45 - Crown Public Health; 119.49 - Department of Conservation and 129.48 - Royal Forest & Bird Protection Society of NZ**

Support for issue is acknowledged. The submissions are accepted in part to the extent that the issue is retained but has been amended as a result of submissions.

d. Amendments necessary

1. **Replace** the second sentence of the first paragraph of the Explanation and Reasons under 6.3 with the following:

"These powers are complementary to Maritime Rules administered by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council, which control the speed and operation of motorised and other craft on the District's navigable waters."

2. **Replace** the last sentence of the third paragraph of the Explanation and Reasons under 6.3 with the following:

"For this reason, the Council will continue to support the application and enforcement of the Maritime Rules and any Navigation Safety Bylaws."

3. **Add** the following to the fourth paragraph of the Explanations and Reasons under 6.3:

"Maritime Rules and Navigation Safety Bylaws can only regulate and control vessels for safety or navigation reasons or to prevent nuisances. The Plan contains district-wide rules to control effects of activities on the environment."

4. As a **consequential amendment, replace** the second sentence of the third paragraph under 6.1 Introduction with the following:

"Maritime Rule Part 91 made under the Maritime Transport Act 1994 superseded the Water Recreation Regulations 1979. The Regional Council's Navigation Safety Bylaws, made in accordance with Maritime Rule Part 91, regulate and control the use of vessels on navigable waters."

17. 6.3.1 Objective 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
113.43	Crown Public Health	support	Retain.
110.18	Fish & Game Council (Nelson/Marlborough)	support	None sought.
119.50	Department of Conservation	support	Amend to read: "To provide for activities on the surface of water where adverse effects on other activities and on amenity, ecological functioning and habitat values are adequately avoided, remedied or mitigated."
129.49	Royal Forest & Bird Protection Society of NZ	support	None sought.
130.14	Tourism Industry Assn NZ	support	None sought.
<i>F009.01.49</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.49</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.49</i>	<i>M & J Syme</i>	<i>oppose 129.49</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F028.02.49</i>	<i>Sandy Chaffey</i>	<i>oppose 129.49</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.49</i>	<i>Simon Chaffey</i>	<i>oppose 129.49</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F023.01.49</i>	<i>R & J King</i>	<i>oppose 129.49</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F010.11.49</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.49</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.49</i>	<i>W M Dowle</i>	<i>oppose 129.49</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>

b. Decision

Accept the following submission:

119.50 Department of Conservation

Accept the following submissions **in part**:

113.43 Crown Public Health

110.18 Fish & Game Council (Nelson/Marlborough)

129.49 Royal Forest & Bird Protection Society of NZ

130.14 Tourism Industry Assn NZ

Reject the following further submissions:

F009.01.49 Fed Farmers (NZ)

F004.84.49 M & J Syme

F028.02.49 Sandy Chaffey

F005.02.49 Simon Chaffey

F023.01.49 R & J King

F010.11.49 Federated Farmers (East Coast)

F030.01.49 W M Dowle

c. Reason

1. 119.50 - Department of Conservation

The relief sought is considered appropriate, as it provides clarity and enhances certainty as to what the objective is trying to achieve.

2. 113.43 - Crown Public Health; 110.18 - Fish & Game Council (Nelson/Marlborough); 129.49 - Royal Forest & Bird Protection Society of NZ; 130.14 - Tourism Industry Assn NZ

The submissions are accepted to the extent that the objective is retained but amended as a result of submission 119.50.

d. Amendments necessary

Amend 6.3.1 Objective 2 to read as follows:

“To provide for activities on the surface of water where adverse effects on other activities and on amenity, ecological functioning, and habitat values are adequately avoided, remedied or mitigated.”

18. 6.3.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
113.44	Crown Public Health	support	Retain.
119.51	Department of Conservation	support	Retain.
130.15	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept the following submissions:

113.44	Crown Public Health
119.51	Department of Conservation
130.15	Tourism Industry Assn NZ

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

19. 6.3.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.52	Department of Conservation	support	Retain.
130.16	Tourism Industry Assn NZ	oppose	Amend to read: "...passive, and /or commercial or recreational activities."

b. Decision

Accept the following submissions **in part**:

130.16	Tourism Industry Association NZ
119.52	Department of Conservation

c. Reason

1. 119.52 – Department of Conservation

The submission is accepted in part to the extent that the policy is retained but the wording has been amended as a result of submissions.

2. 130.16 – Tourism Industry Association NZ

It is noted that the definition of “recreation activity” excludes commercial activities. It is therefore considered appropriate to make provision within the policy framework for commercial activities on the surface of water, as rules to manage the effects of those activities exist. However, the deletion of the reference to ‘active and passive’ recreation in order to reflect activities in a more generic sense is considered the most appropriate way to achieve this. This will be consistent with other decisions. It is also considered more consistent with the associated issue, objective, implementation methods and the explanation and reasons.

d. Amendments necessary

Amend 6.3.2 Policy 2 to read as follows:

“To enable residents and visitors to the District to utilise the District’s lakes and rivers for a range of activities.”

20. 6.3.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
095.02	Bill Edwards	oppose	Include the use of riparian plantings to control runoff.
119.53	Department of Conservation	support	Amend to read: "To protect the habitat and cultural values of surface water bodies, in particular Lake Rotorua and Lake Rotoiti."
130.17	Tourism Industry Assn NZ	support	None sought.
<i>F021.76</i>	<i>Department of Conservation</i>	<i>support 095.02</i>	<i>Support the use of such a generally useful method.</i>
<i>F038.11</i>	<i>Te Runanga o Ngai Tahu / Kaikoura</i>	<i>support 119.53</i>	<i>Suggested rewording will provide clarification.</i>

b. Decision

Accept the following submission and further submission:

119.53 **Department of Conservation**
F038.11 *Te Runanga o Ngai Tahu / Kaikoura*

Accept the following submissions and further submission **in part**:

095.02 **Bill Edwards**
130.17 **Tourism Industry Assn NZ**
F021.76 *Department of Conservation*

c. Reason

1. 119.53 – Department of Conservation

The suggested wording in the relief sought is accepted, as it is more consistent with what the objective is trying to achieve and it provides clarity and improves certainty.

2. 095.02 – Bill Edwards

It is considered appropriate to accept the relief sought to the extent that the suggestion has merit and value as a practical non-regulatory method, especially in terms of education and advocacy. However, to increase its effectiveness and to enhance certainty, it is considered more appropriate to include it as a stand-alone policy. Consequential amendments are considered necessary to provide clarification and certainty to plan users.

3. 130.17 – Tourism Industry Assn NZ

The submission is accepted in part to the extent that the policy is retained albeit amended as a result of submissions.

d. Amendments necessary

1. **Add** the following new policy to 6.3.2:

“To encourage the use of riparian plantings in and along the margins of waterbodies to control surface runoff.”

2. **Amend** 6.3.2 Policy 3 to read as follows:

*“To protect the habitat and cultural values of **the surface of waterbodies, in particular lake Rotorua and lake Rotoiti.**”*

Consequential amendments:

1. **Add** the following under 6.3.3 Implementation Methods and renumber as necessary:

“2. Education and advocacy supporting the use of riparian planting.

2. **Amend** the last sentence under Explanation and Reasons to read as follows:

*“Lakes Rotorua and Rotoiti are of **particularly** significant conservation value and cultural value. It is important that these values are retained. **Methods such as planting of riparian areas are a useful non-regulatory method of protecting the values of the District’s waterbodies.**”*

21. 6.3.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.19	Fish & Game Council (Nelson/Marlborough)	oppose	Policies need to acknowledge the possible conflict between different recreational uses and the means to resolve or avoid those conflicts; add rules so that commercial and/or motorised activities on surface waters be discretionary.
129.50	Royal Forest & Bird Protection Society of NZ	support	None sought.
F035.06	<i>Tourism Industry Association</i>	<i>oppose</i> 110.19	<i>Making all surface water activities discretionary will add a further layer of costs for no specific outcome.</i>
F004.84.50	<i>M & J Syme</i>	<i>oppose</i> 129.50	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
F028.02.50	<i>Sandy Chaffey</i>	<i>oppose</i> 129.50	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
F023.01.50	<i>R & J King</i>	<i>oppose</i> 129.50	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
F030.01.50	<i>W M Dowle</i>	<i>oppose</i> 129.50	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>
F010.11.50	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> 129.50	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
F009.01.50	<i>Fed Farmers (NZ)</i>	<i>oppose</i> 129.50	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
F005.02.50	<i>Simon Chaffey</i>	<i>oppose</i> 129.50	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>

b. Decision

Accept the following submissions in part:

129.50 Royal Forest & Bird Protection Society of NZ

110.19 Fish & Game Council (Nelson/Marlborough)

Reject the following further submissions **in part**:

<i>F035.06</i>	<i>Tourism Industry Association</i>
<i>F004.84.50</i>	<i>M & J Syme</i>
<i>F028.02.50</i>	<i>Sandy Chaffey</i>
<i>F023.01.50</i>	<i>R & J King</i>
<i>F030.01.50</i>	<i>W M Dowle</i>
<i>F010.11.50</i>	<i>Federated Farmers (East Coast)</i>
<i>F009.01.50</i>	<i>Fed Farmers (NZ)</i>
<i>F005.02.50</i>	<i>Simon Chaffey</i>

c. Reason

1. 129.50 – Royal Forest & Bird Protection Society of NZ

The submission is accepted in part to the extent that the policies are retained, albeit amended as a result of submissions.

2. 110.19 – Fish & Game Council (Nelson/Marlborough)

It is considered that the issue of conflict is adequately provided for in Policy 1, which recognises effects of activities on each other, and no additional policies are therefore considered necessary. In respect of that part of the submission relating to rules, it has been decided in section 22 (Table 22.7) and under 6.3.3 Implementation Methods that the rules controlling activities on the surface of water be separated from the zone rules, and that they be strengthened. It is considered that this will go some way to provide the necessary relief as sought and the submission is therefore accepted in part.

d. Amendments necessary

As per 6.3.3 Implementation Methods and Section 22 - Table 22.7

22. 6.3.3 Method 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.20	Fish & Game Council (Nelson/Marlb)	support	None sought.
129.51	Royal Forest & Bird Protection Society of NZ	support	None sought.
132.08	Canterbury Regional Council	oppose	Delete Method 6.3.3.1 and amend the third paragraph of the Explanation and Reasons by deleting the second sentence if the District Council does not intend to have any rules controlling activities on the surface of the water.
<i>F009.01.51</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.51</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F010.11.51</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.51</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F028.02.51</i>	<i>Sandy Chaffey</i>	<i>oppose 129.51</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.51</i>	<i>Simon Chaffey</i>	<i>oppose 129.51</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.51</i>	<i>M & J Syme</i>	<i>oppose 129.51</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.51</i>	<i>R & J King</i>	<i>oppose 129.51</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.51</i>	<i>W M Dowle</i>	<i>oppose 129.51</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>

b. Decision

Accept the following submissions:

110.20 **Fish & Game Council (Nelson/Marlb)**

129.51 **Royal Forest & Bird Protection Society of NZ**

Reject the following submission and further submissions:

132.08	Canterbury Regional Council
<i>F009.01.51</i>	<i>Fed Farmers (NZ)</i>
<i>F010.11.51</i>	<i>Federated Farmers (East Coast)</i>
<i>F028.02.51</i>	<i>Sandy Chaffey</i>
<i>F005.02.51</i>	<i>Simon Chaffey</i>
<i>F004.84.51</i>	<i>M & J Syme</i>
<i>F023.01.51</i>	<i>R & J King</i>
<i>F030.01.51</i>	<i>W M Dowle</i>

c. Reason

1. 132.08 - Canterbury Regional Council

Submission 132.08 is not considered accurate in its assessment that the Plan does not contain any rules controlling the activities on the surface of water, as they are provided for as restricted discretionary activities in Table 22.7. It has however been decided to separate the rules controlling activities on the surface of water from the zone rules, and to strengthen them. This will provide more certainty to plan users and will simplify the administration of the Plan.

2. 110.20 - Fish & Game Council (Nelson/Marlb) & 129.51 - Royal Forest & Bird Protection Society of NZ

Support for the method is acknowledged.

d. Amendments necessary

None.

23. 6.3.3 Method 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.21	Fish & Game Council (Nelson/Marlborough)	oppose	Include a specific mention of Fish and Game's involvement with habitat and recreational interests in the Kaikoura Lakes.

b. Decision

Accept submission **110.21 Fish & Game Council (Nelson/Marlborough)**

c. Reason

It is considered appropriate to make specific mention of Fish & Game in this regard, as it has a statutory role as a Crown entity in relation to the Act.

d. Amendments necessary

Amend 6.3.3 Implementation Method 2(a) to read as follows:

“ ...and work with the Department, Te Runanga o Ngai Tahu, and specific interest groups such as the Fish & Game Council to ensure...”

24. 6.3.3 Method 2 (b)

a. Submitters and hearing

Sub	Submitter	Status	Relief Sought
110.22	Fish & Game Council (Nelson/Marlborough)	support	Include a provision for resolving the effects of activities on the surface of water bodies on other recreational users or the environment.
119.54	Department of Conservation	support	Delete from 2 (b) "Continue to support" and add at end of paragraph: "...water bodies to ensure that the adverse effects of these activities on amenity and habitat values are adequately avoided, remedied or mitigated."
132.09	Canterbury Regional Council	oppose	Amend to read: "Support the provisions of Maritime Rules administered and enforced by the Maritime Safety Authority and Bylaws made by Environment Canterbury to regulate and control the use of vessels on navigable waters."

b. Decision

Accept the following submissions **in part**:

- 132.09** **Canterbury Regional Council**
- 119.54** **Department of Conservation**

Reject the following submissions:

- 110.22** **Fish & Game Council (Nelson/Marlborough)**

c. Reason

1. 132.09 – Canterbury Regional Council

The submission is accepted in part to the extent that the relief sought is granted, however the wording has been changed to better reflect the current situation. The amendment is considered appropriate, as it is consistent with other related decisions.

2. 119.54 - Department of Conservation

The submission is rejected in part, as the words “continue to support” reflect the current situation. Furthermore, method 2(b) relates to Maritime Rules and Navigation Safety Bylaws, which do not control effects on the natural and physical environment. The submission is accepted in part to the extent that these are provided for in method 2(a). The Maritime Rules and Navigation Safety Bylaws regulate navigation safety on inland waters and are primarily concerned about the health, safety and welfare of people in that respect.

3. 110.22 - Fish & Game Council (Nelson/Marlborough)

The submission is rejected, as implementation method 1 already provides the relief sought.

d. Amendments necessary

Amend 6.3.3 Implementation Method 2(b) to read as follows:

“Continue to support the provisions of Maritime Rules administered and enforced by the Maritime Safety Authority and Navigation Safety Bylaws made by the Regional Council to regulate and control the use of vessels on navigable waters.”

25. 6.3.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.52	Royal Forest & Bird Protection Society of NZ	N/a	Add new method for Council to identify waterways that are appropriate for motorised craft, and those that are not; add rules to prohibit jet skis on all estuaries and freshwater waterways, include these rules in appropriate sections in Plan.
<i>F028.02.52</i>	<i>Sandy Chaffey</i>	<i>oppose 129.52</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F023.01.52</i>	<i>R & J King</i>	<i>oppose 129.52</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.52</i>	<i>W M Dowle</i>	<i>oppose 129.52</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.52</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.52</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.52</i>	<i>Simon Chaffey</i>	<i>oppose 129.52</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F010.11.52</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.52</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F004.84.52</i>	<i>M & J Syme</i>	<i>oppose 129.52</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>

b. Decision

Accept the following submission in part:

129.52 **Royal Forest & Bird Protection Society of NZ**

Reject the following submissions:

F028.02.52 *Sandy Chaffey*

F023.01.52 *R & J King*

F030.01.52 *W M Dowle*

F009.01.52 *Fed Farmers (NZ)*

F005.02.52 *Simon Chaffey*

F010.11.52 **Federated Farmers (East Coast)**

F004.84.52 **M & J Syme**

c. Reason

In terms of a new method to identify waterways that are appropriate for motorised craft, it has been explained in an earlier decision that Method 1 provides the necessary relief. Another method is therefore considered unnecessary. Provision of rules to control the effects of activities on the surface of water is consistent with Council’s functions and powers under section 6, 7 and 8 of the Act. Previously, the Plan controlled the effects of activities on the surface of water through its rules in section 22. (Rural Zone). However, it is considered appropriate to include separate, specific rules in the Plan to manage effects of activities on the surface of waterbodies. It is considered that the creation of district wide rules collectively with the recommended changes to Section 22 – Table 22.7 will simplify the interpretation of the Plan, thereby providing certainty to plan users. It is also considered more effective and efficient to include the rules within the same section that provides the necessary policy framework. To this end the better and more relevant option is considered to be Section 6 as opposed to Section 22.

It is considered that the only waterbodies in the district with the potential for the use of powered watercraft are Lake Rotorua, Lake Rotoiti, the Clarence River and the Lyell Creek. The concern is the **effects of the use of “motorised watercraft” on the above waterbodies**, albeit commercial or recreational. It is noted that land use resource consent for a commercial activity will still be required under Section 22 of the Plan. However, in terms of activities on the surface of water, provision has been made to require resource consents for these types of activities in order to assess the effects of those activities on a case-by-case basis. It is considered necessary to distinguish between the use of motorised watercraft in general and the use of jet skis and jet boats, since the latter have a particularly intrusive noise with a very high nuisance value. It is not considered that the adverse effects as a result of the use of jet skis and jet boats can be adequately avoided, remedied or mitigated, therefore it should not be contemplated at all.

In terms of activity classification, it is recognised that the blanket provision recommended in the officer’s report to allow “*any activity not provided for as a restricted discretionary activity, unrestricted discretionary activity and prohibited activity as a permitted activity*” is too broad and not effects based. A more precautionary approach is therefore considered necessary. The potential and actual adverse effects of the use of non-motorised vessels such as rafting, kayaking, etc are considered negligible and these activities are therefore provided for as permitted activities. However, the use of any other non-listed motorised watercraft is provided for as restricted discretionary activities in order to allow Council to assess potential effects of such activities on other users, recreational values, amenity values, ecological and conservation values and cultural values, etc. It is considered necessary to include cultural values to the list, as this is a matter of national importance under section 6 of the Act.

The submission is therefore accepted in part to the extent that the amendments will go some way in providing the relief sought.

d. Amendments necessary

Add the following new district wide rule at the end of section 6:

“Recreation and Open Space Rules

6.1 Activities on the Surface of Waterbodies

Activities specified in the following table shall be assessed as permitted, restricted discretionary, unrestricted discretionary, or prohibited as shown, in respect of this section of the Plan.

Table 6.1

Status	Activity	Conditions
Permitted	<i>The use of any non-motorised vessel.</i>	
Restricted Discretionary	<i>The use of any motorised watercraft, other than those listed as unrestricted discretionary or prohibited activities.</i>	<p><i>Council’s discretion is restricted to the following matters</i></p> <ul style="list-style-type: none"> <i>(i) Effects on other users.</i> <i>(ii) Effects on recreational values.</i> <i>(iii) Effects on amenity values.</i> <i>(iv) Effects on ecological and conservation values.</i> <i>(v) Effects on cultural values.</i>
Unrestricted Discretionary	<i>The use of any motorised watercraft, other than those listed as prohibited activities, on Lake Rotorua, Lake Rotoiti, the Clarence River or Lyell Creek.</i>	<i>Discretion is not restricted to any particular matter.</i>
Prohibited	<i>The use of jet skis or jet boats on Lake Rotorua, Lake Rotoiti, the Clarence River or Lyell Creek and any of its tributaries.</i>	<i>Application may not be made for resource consent.</i>

26. 6.4 Issue 3

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
110.23	Fish & Game Council (Nelson/Marlborough)	support	Include "...or land use intensification" to the end of the sentence.
119.55	Department of Conservation	support	Retain.
<i>F021.65</i>	<i>Department of Conservation</i>	<i>support</i> <i>110.23</i>	<i>Need to ensure that the public retain access to waterways & the coast.</i>

b. Decision

Accept the following submission and further submission:

110.23 **Fish & Game Council (Nelson/Marlborough)**
F021.65 *Department of Conservation*

Accept the following submission in part:

119.55 **Department of Conservation**

c. Reason

1. 110.23 – Fish & Game Council (Nelson/Marlborough)

It is considered that the amendment will assist in clarifying the activities, which can lead to adverse effects and for which Council has a responsibility under the Act. It is recognised that land use intensification and the subdivision of land are mutually exclusive and it is therefore appropriate to include the words as suggested in order to capture both types of activities and their effects.

2. 119.55 – Department of Conservation

The submission is accepted in part to the extent that the issue is retained albeit amended by submissions.

d. Amendments necessary

Add the following at the end of 6.4 Issue 3:

“ ...or land use intensification.”

27. 6.4.1 Objective 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.17	Federated Farmers of NZ Inc	oppose	Amend to read: "... of these areas and which recognises the rights and interests of private property security and privacy."
110.24	Fish & Game Council (Nelson/Marlborough)	support	None sought.
119.56	Department of Conservation	support	Retain.
<i>F010.01.17</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i> <i>125.17</i>	<i>Support.</i>
<i>F030.29.17</i>	<i>W M Dowle</i>	<i>support</i> <i>125.17</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F032.04</i>	<i>Forest & Bird (Central Office)</i>	<i>oppose</i> <i>125.17</i>	<i>This objective is necessary to meeting the requirement of the Act in favour of public access.</i>
<i>F005.08.17</i>	<i>Simon Chaffey</i>	<i>support</i> <i>125.17</i>	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>

b. Decision

Accept the following submissions and further submissions **in part**:

- 125.17** **Federated Farmers of NZ Inc**
- 110.24** **Fish & Game Council (Nelson/Marlborough)**
- 119.56** **Department of Conservation**
- F010.01.17* *Federated Farmers (East Coast)*
- F030.29.17* *W M Dowle*
- F005.08.17* *Simon Chaffey*

Reject the following further submission:

- F032.04* *Forest & Bird (Central Office)*

c. Reason

1. 125.17 - Federated Farmers of NZ Inc

It is noted that the Act's status of providing public access as a matter of national importance is not conditional on recognising or providing for property rights, security or privacy of owners.

However, it is considered reasonable to expect public access to respect normal farming routines, and to avoid disruption during certain times such as lambing and calving. It is acknowledged that this is covered to a certain degree in the Tenth Schedule to the Act, which relates to the instrument for creating an esplanade strip or access strip, especially the opportunity it provides to negotiate an appropriate outcome with the landowner/occupier. The submission is accepted in part to the extent that the amendment will go some way to provide the relief sought. This decision will also be consistent with the amendments to 6.4.1 Policy 1.

2. 110.24 - Fish & Game Council (Nelson/Marlb) & 119.56 - Department of Conservation

The submissions are accepted in part to the extent that the objective is retained but the wording has been altered as a result of submissions.

d. Amendments necessary

Amend 6.4.1 Objective 3 to read as follows:

“ *...where such access does not compromise **normal farming activities, or the cultural, natural, conservation...***”

28. 6.4.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.18	Tourism Industry Assn NZ	support	None sought.
132.13	Canterbury Regional Council	oppose	Amend to: "To maintain and enhance public access to the Districts Lakes, Rivers and Coastal Areas, except where restrictions are necessary to:" Add four new points on conservation values; protection of flood control and public safety; avoiding conflicts.

b. Decision

Accept the following submissions **in part**:

- 130.18** **Tourism Industry Assn NZ**
- 132.13** **Canterbury Regional Council**

c. Reason

1. 132.13 - Canterbury Regional Council

The submission is accepted in part to the extent that the relief sought is granted but the wording has been amended to refer to the generic term ‘waterbodies’, which for the purposes of this Plan include lakes, rivers and wetlands. The amended wording is therefore more consistent with other decisions.

However, it is acknowledged that the use of the words “*where there is a demand*” is not appropriate, as it is inconsistent with the Regional Policy Statement. It is also accepted that necessity of demand is not considered appropriate as a policy but that demand will rather be assessed through the appropriate implementation method.

2. 130.18 - Tourism Industry Assn NZ

The submission is accepted in part to the extent that the policy is retained albeit amended as a result of submissions.

d. Amendments necessary

Delete 6.4.2 Policy 1 and **replace** with the following:

“ To maintain and enhance access to the District’s waterbodies and coastal areas, where practicable, and where adverse effects of such access are avoided, remedied or mitigated, except where restrictions are necessary to:

- a) safeguard the conservation values*
- b) protect the stability or performance of flood control and other essential structures*
- c) avoid conflicts with activities of landowners or occupiers*
- d) protect public safety.”*

29. 6.4.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.19	Tourism Industry Assn NZ	support, with change	Include "Tourism Industry Association New Zealand" in the list of parties likely to be consulted over this Policy.

b. Decision

Reject submission 130.19 Tourism Industry Association NZ

c. Reason

It is not considered appropriate to specifically list the Tourism Industry Association NZ in the list of interested parties to be consulted with, as the term “interested parties” does not preclude them. It is considered unnecessary to specifically refer to this group, as they do not have any statutory role under the Act in relation to this objective.

d. Amendments necessary

None.

30. 6.4.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.20	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.20 Tourism Industry Association**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

31. 6.4.2 Policy 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.21	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.21 Tourism Industry Association**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

32. 6.4.2 Policy 5

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.22	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.22 Tourism Industry Association**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

33. 6.4.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.25	Fish & Game Council (Nelson/Marlborough)	support	Policy 1 should include the word "physically" and adverse effects should be restricted to those cultural, natural or hazards only as specified in the objective.
119.57	Department of Conservation	support	Retain.

b. Decision

Accept the following submission in part:

119.57 Department of Conservation

Reject the following submission:

110.25 Fish & Game Council (Nelson/Marlborough)

c. Reason

1. 119.57 – Department of Conservation

The submission is accepted in part to the extent that the policies are retained albeit amended as a result of submissions.

2. 110.25 – Fish & Game (Nelson/Marlborough)

It is considered that the word “practicable” is used in its ordinary dictionary meaning of “where physically capable”. There is therefore no need to add the word “physically”. It is noted that Objective 1 does not specify effects but rather refers to certain values. It is considered that adverse effects may be wider than those values specified in the objective and for that reason it is considered inappropriate to restrict adverse effects to only certain types of effects.

d. Amendments necessary

None.

34. 6.4.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.26	Fish & Game Council (Nelson/Marlborough)	?	Identify and maintain a database of esplanade reserves and note the extent of public access enhancement. Identify and provide to the public about many unformed public roads in the District which are often located adjacent to waterbodies.
119.46	Department of Conservation	n/a	Add new method "Zoning: The plan identifies a Conservation Zone on the planning maps."
119.47	Department of Conservation	n/a	Add new method - Rules: Plan rules permit appropriate activities based on the conservation, amenity, recreation, or landscape value associated with the particular reserve or type of reserve, subject to performance standards.
119.48	Department of Conservation	n/a	Add new method - Performance standards: Performance standards address matters which ensure that open space within the Conservation Zone is used and developed in a manner which is compatible with the amenities of adjoining residential areas.
119.58	Department of Conservation	support	Retain.
<i>F021.66</i>	<i>Department of Conservation</i>	<i>support</i> <i>110.26</i>	<i>Would better provide for enhancement of access.</i>
<i>F035.07</i>	<i>Tourism Industry Association</i>	<i>support</i> <i>119.47</i>	<i>Support.</i>

b. Decision

Accept the following submissions and further submission **in part**:

- 110.26** **Fish & Game Council (Nelson/Marlborough)**
- 119.58** **Department of Conservation**
- F021.66* *Department of Conservation*

Reject the following submissions and further submission:

- 119.46** **Department of Conservation**
- 119.47** **Department of Conservation**
- 119.48** **Department of Conservation**

F035.07 Tourism Industry Association

c. Reason

1. 110.26 - Fish & Game Council (Nelson/Marlborough)

The submission is accepted in part to the extent that it is considered appropriate to include a method referring to the identification and maintenance of a publicly available record of the area and location of esplanade reserves, esplanade strips and access strips, for the following reasons:

- (i) Pursuant to section 35 of the Act Council is obliged to keep such a record for public use, the amendment will therefore be consistent with that requirement; and
- (ii) It is consistent with current practice; and
- (iii) It will provide clarity and improves certainty to plan users.

The submission is rejected in part to the extent that all unformed legal roads are already shown on the planning maps and it is therefore considered inappropriate and unnecessary to repeat the information elsewhere.

2. 119.58 - Department of Conservation

The submission is accepted in part to the extent that the implementations methods are retained but have been amended as a result of submissions.

3. 119.46 - Department of Conservation; 119.47 - Department of Conservation & 119.48 - Department of Conservation

It has been decided to reject the Department's submission, which requested the incorporation of a new Conservation Zone into the Plan. These submissions are therefore rejected in order to be consistent with that decision.

d. Amendments necessary

Add the following new Implementation Method under 6.4.3:

“ Keeping publicly available records of the area and location of all esplanade reserves, esplanade strips and access strips in the District.”

35. 6.5 Anticipated Environmental Results

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.59	Department of Conservation	support	Retain, but add: "Implementation of the policies and methods in a manner that will result in the maintenance of the ecological, conservation, recreation and landscape values of these open spaces."

b. Decision

Accept submission **119.59 Department of Conservation**

c. Reason

It is considered appropriate to provide the relief sought, as the amendment will provide additional clarification and enhances certainty as to what Council and the community are hoping to achieve. It will also recognise broader values associated with the management of open space. In total the outcome will be strengthened as a result of the amendment.

d. Amendments necessary

Add the following additional result to 6.5 Anticipated Environmental Results:

“Implementation of the policies and methods in a manner that will result in the maintenance of the ecological, conservation, recreation and landscape values of these open spaces.”

36. New Policy 6

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.53	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy 6: "To recognise the role of unformed legal roads in providing access to waterways and public lands and recreation areas."
<i>F021.05</i>	<i>Department of Conservation</i>	<i>support 129.53</i>	<i>Makes better provision for appropriate access to waterbodies and the coast & in keeping with s6 & 7 RMA.</i>
<i>F030.01.53</i>	<i>W M Dowle</i>	<i>Oppose 129.53</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F028.02.53</i>	<i>Sandy Chaffey</i>	<i>Oppose 129.53</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F004.84.53</i>	<i>M & J Syme</i>	<i>Oppose 129.53</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.53</i>	<i>R & J King</i>	<i>Oppose 129.53</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F005.02.53</i>	<i>Simon Chaffey</i>	<i>Oppose 129.53</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F010.11.53</i>	<i>Federated Farmers (East Coast)</i>	<i>Oppose 129.53</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.53</i>	<i>Fed Farmers (NZ)</i>	<i>Oppose 129.53</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>

b. Decision

Accept the following submissions:

129.53 **Royal Forest & Bird Protection Society of NZ**
F021.05 **Department of Conservation**

Reject the following further submissions:

<i>F030.01.53</i>	<i>W M Dowle</i>
<i>F028.02.53</i>	<i>Sandy Chaffey</i>
<i>F004.84.53</i>	<i>M & J Syme</i>
<i>F023.01.53</i>	<i>R & J King</i>
<i>F005.02.53</i>	<i>Simon Chaffey</i>
<i>F010.11.53</i>	<i>Federated Farmers (East Coast)</i>
<i>F009.01.53</i>	<i>Fed Farmers (NZ)</i>

c. Reason

It is noted that the unformed legal roads already exist and are shown on the planning maps. It is also noted that the implementation methods identify opportunities for public access provided by unformed legal roads in consultation with adjoining landowners and recreational users. However, it is acknowledged that access via unformed legal roads are not recognised in the policies. It is therefore considered appropriate to include a new policy to that effect.

d. Amendments necessary

Add the following new policy under 6.4.2:

“6. To recognise the role of existing unformed legal roads in providing access to waterbodies, public lands, and recreation areas.”

37. New Policy 7

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.54	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy 7: "To identify waterways and public lands where public foot access for recreation is inadequate and work with landholders, community organisations and other interested parties to improve access."
<i>F030.01.54</i>	<i>W M Dowle</i>	<i>oppose 129.54</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>
<i>F023.01.54</i>	<i>R & J King</i>	<i>oppose 129.54</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F021.06</i>	<i>Department of Conservation</i>	<i>support 129.54</i>	<i>Makes better provision for appropriate access to waterbodies and the coast & in keeping with s6 & 7 RMA.</i>
<i>F028.02.54</i>	<i>Sandy Chaffey</i>	<i>oppose 129.54</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F009.01.54</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.54</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.54</i>	<i>Simon Chaffey</i>	<i>oppose 129.54</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.54</i>	<i>M & J Syme</i>	<i>oppose 129.54</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F010.11.54</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.54</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>

b. Decision

Accept the following further submissions:

- F030.01.54* *W M Dowle*
- F023.01.54* *R & J King*
- F028.02.54* *Sandy Chaffey*
- F009.01.54* *Fed Farmers (NZ)*

F005.02.54 Simon Chaffey
F004.84.54 M & J Syme
F010.11.54 Federated Farmers (East Coast)

Reject the following submission and further submission:

129.54 Royal Forest & Bird Protection Society of NZ
F021.06 Department of Conservation

c. Reason

It is considered unnecessary to provide a new policy as sought, as it is already provided for in Policy 1, as amended.

d. Amendments necessary

None.

38. New Policy 8

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.55	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy 8 - refer to taking esplanade reserves to protect the natural character and conservation values of the coast, water ways etc, and to meet S 229 of the RMA when subdivision of less than 4 ha allotments occurs on land adjoining rivers etc.#
<i>F009.01.55</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.55</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.55</i>	<i>Simon Chaffey</i>	<i>oppose 129.55</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F030.01.55</i>	<i>W M Dowle</i>	<i>oppose 129.55</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F010.11.55</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.55</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F004.84.55</i>	<i>M & J Syme</i>	<i>oppose 129.55</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F021.07</i>	<i>Department of Conservation</i>	<i>support 129.55</i>	<i>Makes better provision for appropriate access to waterbodies and the coast & in keeping with s6 & 7 RMA.</i>
<i>F023.01.55</i>	<i>R & J King</i>	<i>oppose 129.55</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F028.02.55</i>	<i>Sandy Chaffey</i>	<i>oppose 129.55</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>

b. Decision

Accept the following further submissions:

F009.01.55 ***Fed Farmers (NZ)***

<i>F005.02.55</i>	<i>Simon Chaffey</i>
<i>F030.01.55</i>	<i>W M Dowle</i>
<i>F010.11.55</i>	<i>Federated Farmers (East Coast)</i>
<i>F004.84.55</i>	<i>M & J Syme</i>
<i>F023.01.55</i>	<i>R & J King</i>
<i>F028.02.55</i>	<i>Sandy Chaffey</i>

Reject the following submission and further submission:

129.55	Royal Forest & Bird Protection Society of NZ
<i>F021.07</i>	<i>Department of Conservation</i>

c. Reason

It is considered that a new policy as suggested is unnecessary, as this is already covered in policy 3. Furthermore it is noted that the conservation purposes for applying esplanade reserves and strips are covered in section 13 dealing with subdivision, in particular Policy 13.6.2. However, it is recognised that provision for esplanade reserves was omitted from the text, which is considered an oversight and clearly contrary to the intent and purpose of the policy. It is considered necessary to rectify this omission in order to bring it in line with the second paragraph in Explanation and Reasons under the heading Ecological, Conservation, Heritage and Ngai Tahu Values on the one hand and the provisions of the Act on the other hand. A consequential amendment is therefore required to achieve this.

d. Amendments necessary

As a consequential amendment, add the words “*esplanade reserves*” after the words “voluntary agreements” in Policy 13.6.2

39. New Policy 9

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
129.56	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy 9 - refer to taking esplanade reserves to protect the natural values of the coast, etc when any industrial, service, commercial, recreational, community activity, or visitor accommodation is to be developed on land within 100 metres.
<i>F030.01.56</i>	<i>W M Dowle</i>	<i>oppose 129.56</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>
<i>F028.02.56</i>	<i>Sandy Chaffey</i>	<i>oppose 129.56</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F004.84.56</i>	<i>M & J Syme</i>	<i>oppose 129.56</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F010.11.56</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.56</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.56</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.56</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.56</i>	<i>Simon Chaffey</i>	<i>oppose 129.56</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F023.01.56</i>	<i>R & J King</i>	<i>oppose 129.56</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>

b. Decision

Accept the following further submissions:

- F030.01.56* *W M Dowle*
- F028.02.56* *Sandy Chaffey*
- F004.84.56* *M & J Syme*
- F010.11.56* *Federated Farmers (East Coast)*
- F009.01.56* *Fed Farmers (NZ)*
- F005.02.56* *Simon Chaffey*
- F023.01.56* *R & J King*

Reject the following submission and further submission:

129.56 Royal Forest & Bird Protection Society of NZ

c. Reason

It is considered that a new policy as suggested is unnecessary, as the taking of esplanade reserves at the time of subdivision is adequately already covered in the policies, as amended, as well as in the amended policy framework of section 13 (subdivision). In addition, the suggested wording is considered inappropriate for a policy, as it reads more like a rule.

d. Amendments necessary

None.

40. New Objective & Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.41	Department of Conservation	n/a	Add second objective to refer to the maintenance and enhancement of natural and historic values contained within reserves and other lands managed by the Department of Conservation.
119.42	Department of Conservation	n/a	Add new policy: Policy 1 Recognise the value of lands managed by the Department of Conservation for the protection of their natural and historic resources by incorporating them into a Conservation Zone.
119.43	Department of Conservation	n/a	Add new policy: Policy 2 Recognise the land in the Conservation Zone as an open space resource in which priority is given to the conservation and protection of natural areas, landscape features and scenic, botanical, ecological and habitat values.
119.44	Department of Conservation	n/a	Add new policy: Policy 3 Restrict the range of activities and associated development in the Conservation Zone to a type and nature which, while allowing enjoyment of the qualities of the open space, has least impact on conservation values.
129.47	Royal Forest & Bird Protection Society of NZ	n/a	Add new policy 6: "To ensure that the range of public open space in the District reflects the diversity of the District's natural environment, including its rivers, lakes, wetlands, coastal areas and mountain environments."
<i>F009.01.47</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.47</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.47</i>	<i>Simon Chaffey</i>	<i>oppose 129.47</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F023.01.47</i>	<i>R & J King</i>	<i>oppose 129.47</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.47</i>	<i>W M Dowle</i>	<i>oppose 129.47</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F028.02.47</i>	<i>Sandy Chaffey</i>	<i>oppose 129.47</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>

<i>F010.11.47</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.47</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F004.84.47</i>	<i>M & J Syme</i>	<i>oppose 129.47</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>

b. Decision

Reject the following submissions:

- 119.41 Department of Conservation**
- 119.42 Department of Conservation**
- 119.43 Department of Conservation**
- 119.44 Department of Conservation**
- 129.47 Royal Forest & Bird Protection Society of NZ**

Accept the following further submissions:

- F009.01.47 Fed Farmers (NZ)*
- F005.02.47 Simon Chaffey*
- F023.01.47 R & J King*
- F030.01.47 W M Dowle*
- F028.02.47 Sandy Chaffey*
- F010.11.47 Federated Farmers (East Coast)*
- F004.84.47 M & J Syme*

c. Reason

- 1. 119.41 – Department of Conservation; 119.42 - Department of Conservation; 119.43 - Department of Conservation & 119.44 - Department of Conservation**

These submissions are rejected in order to be consistent with other decisions to decline the introduction of a new Conservation Zone in the Plan (Planning map 5).

- 2. 129.47 - Royal Forest & Bird Protection Society of NZ**

It is considered that a new policy as suggested is unnecessary, as 6.2.2 Policy 2 already allows consideration of a number of matters on a case-by-case basis and the policy as suggested will not add any value to the Plan. It is also considered that it is unclear from the suggested wording what the policy is trying to achieve. In terms of effectiveness and efficiency it is therefore considered appropriate to reject the submission.

d. Amendments necessary

None.

PROPOSED KAIKOURA DISTRICT PLAN



DECISIONS

Section 7 – Development and Tourism

November 2005

Section 7: Development and Tourism

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1. 7.1 Introduction

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.01	Ecology Watch Kaikoura Ltd	Oppose	Amend last line of fifth paragraph to read: "...potential to change the character of Kaikoura."
100.02	Ecology Watch Kaikoura Ltd	Oppose	Add to the last line of the fifth paragraph: "The degree to which the existing character and amenity values of Kaikoura township as a small coastal village are maintained or enhanced will depend on the nature, scale and quality of future development."
100.03	Ecology Watch Kaikoura Ltd	Oppose	Amend sixth paragraph to read: "...also lead to effects in relation to the following:..."
<i>F004.04</i>	<i>M & J Syme</i>	<i>support 100.01</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F004.05</i>	<i>M & J Syme</i>	<i>support 100.02</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F004.06</i>	<i>M & J Syme</i>	<i>support 100.03</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Accept the following submissions and further submissions:

- 100.01 Ecology Watch Kaikoura Ltd**
- 100.02 Ecology Watch Kaikoura Ltd**
- 100.03 Ecology Watch Kaikoura Ltd**
- F004.04 M & J Syme*
- F004.05 M & J Syme*
- F004.06 M & J Syme*

c. Reason

It is considered that the suggested wording provides a more explicit link between and explanation of development, the existing character of the District, and the potential effects of development.

d. Amendments necessary

1. **Amend** paragraph 5 under 7.1 Introduction to read as follows:

“ *...However, this growth has the potential to change **the character of Kaikoura**. **The degree to which the existing character and amenity values of Kaikoura Township as a small coastal village are maintained or enhanced will depend on the nature, scale and quality of future development.***”

2. **Amend** paragraph 6 under 7.1 Introduction to read as follows:

*The combination of growth and development can also lead to **effects in relation to the following:...***”

2. 7.2.1 Objective 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.25	Tourism Industry Assn NZ	support	None sought.
132.16	Canterbury Regional Council	support	None sought.

b. Decision

Accept the following submissions:

130.25 Tourism Industry Assn NZ

132.16 Canterbury Regional Council

c. Reason

Support for the objective is acknowledged.

d. Amendments necessary

None.

3. 7.2.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.26	Tourism Industry Assn NZ	support	None sought.
132.17	Canterbury Regional Council	support	Move policy 2 under Issue 2.
132.14	Canterbury Regional Council	?	Add policy: "To avoid subdivision and development on areas of versatile soils (Class I and II under the LUC system) where the activity may be sited on less versatile soils in the locality unless the land use would better achieve the purpose of the Act."

b. Decision

Accept the following submission:

130.26 **Tourism Industry Assn NZ**

Reject the following submissions:

132.17 **Canterbury Regional Council**

132.14 **Canterbury Regional Council**

c. Reason

1. 130.26 – Tourism Industry Assn

Support for the policies is acknowledged.

2. 132.17 - Canterbury Regional Council

It is considered that policy 2 better relates to Issue 1, in that this issue is about effects of urban growth on roads, rather than the efficient use of roads. It is considered that the relief sought by the submitter is already provided for under Issue 3 in 7.3.2 Policy 1 and duplication of the policy is therefore considered unnecessary.

3. 132.14 - Canterbury Regional Council

It is noted that “versatile soils” is no longer a specific concern under the Act as it was under the Town and Country Planning Act. It is considered that the Act refers to protecting the “life supporting capacity” of soils, rather than their versatility. Given this, it is considered that the suggested policy is not well aligned with the Act or recent case law, and that it is not necessary.

d. Amendments necessary

None.

4. 7.2.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.57	Royal Forest & Bird Protection Society of NZ	support	Retain.
132.18	Canterbury Regional Council	support	Retain.
<i>F010.11.57</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.57</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.57</i>	<i>W M Dowle</i>	<i>oppose 129.57</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F005.02.57</i>	<i>Simon Chaffey</i>	<i>oppose 129.57</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.57</i>	<i>M & J Syme</i>	<i>oppose 129.57</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.57</i>	<i>R & J King</i>	<i>oppose 129.57</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F028.02.57</i>	<i>Sandy Chaffey</i>	<i>oppose 129.57</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F009.01.57</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.57</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>

b. Decision

Accept the following submissions:

129.57 **Royal Forest & Bird Protection Society of NZ**
132.18 **Canterbury Regional Council**

Reject the following further submissions:

F010.11.57 *Federated Farmers (East Coast)*
F030.01.57 *W M Dowle*
F005.02.57 *Simon Chaffey*

<i>F004.84.57</i>	<i>M & J Syme</i>
<i>F023.01.57</i>	<i>R & J King</i>
<i>F028.02.57</i>	<i>Sandy Chaffey</i>
<i>F009.01.57</i>	<i>Fed Farmers (NZ)</i>

c. Reason

It is appropriate to retain this policy, as it gives effect to the objective and is consistent with both the Regional Policy Statement and the provisions of the Act. It is noted that Section 106 of the Act, which provides a clear mandate in this regard, is not prohibitive in nature but allows Council discretion to allow development under certain circumstances. It is considered that the policy is necessary to assist Council in establishing a framework within which to accommodate future urban development.

d. Amendments necessary

None.

5. 7.2.2 Policy 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.04	Ecology Watch Kaikoura Ltd	oppose	Amend to include provision for tourist accommodation facilities outside urban zone boundaries.
<i>F008.09</i>	<i>Environment Canterbury</i>	<i>oppose 100.04</i>	<i>Wording and amendments place undue emphasis on the provision of tourist facilities and servicing of those facilities.</i>
<i>F032.05</i>	<i>Forest & Bird (Central Office)</i>	<i>oppose 100.04</i>	<i>Tourist development outside urban zones may be unacceptable.</i>
<i>F004.07</i>	<i>M & J Syme</i>	<i>support 100.04</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Accept the following further submissions:

F008.09 Environment Canterbury
F032.05 Forest & Bird (Central Office)

Reject the following submission and further submissions:

100.04 Ecology Watch Kaikoura Ltd
F004.07 M & J Syme

c. Reason

It is considered inappropriate to provide the relief sought, as it is too specific, is clearly favouring the tourism industry above other activities without having regard to effects and is therefore inconsistent with part II of the Act.

d. Amendments necessary

None.

6. 7.2.2 Policy 6

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
010.40	Kaikoura District Council	n/a	Amend to read "unplanned".
129.58	Royal Forest & Bird Protection Society of NZ	support	Amend to read: "To discourage unplanned urban growth between the coastal settlements of South Bay, Goose Bay and Oaro."
<i>F030.01.58</i>	<i>W M Dowle</i>	<i>oppose 129.58</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. Proposed changes would make farming impossible.</i>
<i>F026.09</i>	<i>Ailsa Howard</i>	<i>oppose 129.58</i>	<i>This is too narrow - fails to recognise the importance of views from other visible/visited areas.</i>
<i>F028.02.58</i>	<i>Sandy Chaffey</i>	<i>oppose 129.58</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F010.11.58</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.58</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.58</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.58</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.58</i>	<i>M & J Syme</i>	<i>oppose 129.58</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F005.02.58</i>	<i>Simon Chaffey</i>	<i>oppose 129.58</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F023.01.58</i>	<i>R & J King</i>	<i>oppose 129.58</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>

b. Decision

Accept the following submission and further submissions:

- 010.40** **Kaikoura District Council**
- F030.01.58* *W M Dowle*
- F026.09* *Ailsa Howard*
- F028.02.58* *Sandy Chaffey*
- F010.11.58* *Federated Farmers (East Coast)*

F009.01.58 Fed Farmers (NZ)

F004.84.58 M & J Syme

F005.02.58 Simon Chaffey

F023.01.58 R & J King

Reject the following submission:

129.58 Royal Forest & Bird Protection Society of NZ

c. Reason

1. 010.40 - Kaikoura District Council

It is considered necessary to provide the relief sought in order to correct a typographical error.

2. 129.58 - Royal Forest & Bird Protection Society of NZ

It is considered inappropriate to amend the policy as suggested, as it is too narrow and excludes other areas along the coast, without reason. It is noted that the general philosophy of the objective and policy is to discourage unplanned growth **anywhere** outside residential, settlement or business zones along the coast, due to potential adverse effects. Limiting the policy as suggested will therefore detract from the general intent of the objective and policy and will be inconsistent with Part II of the Act.

d. Amendments necessary

None.

7. 7.2.2 Policy 7

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
VO11.01	Whale Watch Kaikoura Ltd	Oppose	Amend the proposed policy 7.2.2.7 to read, or similar: "To provide for a new satellite settlement to the south of Kaikoura township." Make any other consequential amendments.
<i>OVFS2.09</i>	<i>RD Hughes Holdings Ltd</i>	<i>Oppose OV11.01</i>	<i>Ocean Ridge is not a satellite settlement because the zone is very close to the township and is reliant on an integrated road network, on the town's services and businesses, and is to be connected to the reticulated sewerage scheme.</i>

b. Decision

Accept further submission *OVFS2.09 RD Hughes Holdings Ltd*

Reject submission **VO11.01 Whale Watch Kaikoura Ltd**

c. Reason

The relief sought is considered inappropriate, as it lacks accuracy and substance. It is noted that the Ocean Ridge Comprehensive Living Zone is in close proximity to the Kaikoura Township, will be connected to the town's reticulated sewerage system, is not self sufficient but rather will be reliant on the town's businesses and industries for employment and services. It is further noted that an integrated road network will provide the necessary linkage between the Zone and the Town. Importantly, the intention for the Zone to become the western outer edge of the Kaikoura Township is acknowledged and supported. For the above reasons the Ocean Ridge Comprehensive Living Zone is not considered a satellite town.

d. Amendments necessary

None.

8. 7.2 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.06	Ecology Watch Kaikoura Ltd	oppose	Add a new paragraph after the fourth paragraph to include consideration for alternative locations for tourist accommodation facilities outside the urban boundaries, to give tourist greater choice.
132.15	Canterbury Regional Council	?	Add a new paragraph describing the versatile soils and their location of the District, and that future urban growth or subdivision need to take into account of protecting these soils, and develop on less versatile soils if choice permits.
132.19	Canterbury Regional Council	?	Add a new sentence to the second paragraph explaining that Policy 7.2.2.1 provides for development where risk is low, and that land outside risk areas has a 10% chance in 50 years of having a flood event; also include the risk of coastal erosion is low.
<i>F008.10</i>	<i>Environment Canterbury</i>	<i>oppose 100.06</i>	<i>Wording and amendments place undue emphasis on the provision of tourist facilities and servicing of those facilities.</i>
<i>F004.09</i>	<i>M & J Syme</i>	<i>support 100.06</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F020.69</i>	<i>Ecology Watch Kaikoura</i>	<i>support 132.19</i>	<i>Urban development in areas at low risk from hazards is appropriate and sustainable.</i>
VO13.03	Canterbury Regional Council		(Addition of a paragraph at the end of the Explanation and Reasons) Should the Variation be adopted, amend the second sentence of the proposed new paragraph as follows: "The Ocean Ridge Comprehensive Living Zone is connected with Kaikoura Township, being reliant on the town's services including being connected to the town's reticulated sewage system. While also reliant to a greater extent on the town's business, it is intended that the retail sale of convenience goods are to be provided for within the Zone. This will reduce the frequency that residents may need to travel into the township for convenience goods and will foster a greater sense of on-site community." Make any other consequential amendments to give effect to the amendments sought.

VO13.04	Canterbury Regional Council		<p>(Addition of a paragraph at the end of the Explanation and Reasons) Should the Variation be adopted, amend the last sentence of the proposed new paragraph as follows:</p> <p>"The Ocean Ridge Comprehensive Living Zone will, at least initially, depart from the desired growth pattern of Kaikoura township which is to locate within or on the periphery of the existing township. However, a high degree of servicing and transport connectivity is to be provided between the zone and the existing township, including that of alternative transport to private motor vehicles. In time Ocean Ridge will form a natural outer extent for Kaikoura in this direction with the Kaikoura Golf Course and Kowhai River forming the western barrier provided site-specific, cultural and landscape constraints between the existing township and this site can be adequately addressed."</p> <p>Make any other consequential amendments to give effect to the amendments sought.</p>
OVFS2.10	RD Hughes Holdings Ltd	Oppose OV13.03	<p><i>No person can compel the establishment of a shop to sell convenience goods, even if it would be preferable. The provisions can however provide the opportunity for retail sales to establish and it is therefore submitted that the sentence be amended, as follows:</i></p> <p><i>“The Ocean Ridge Comprehensive Living Zone is connected with Kaikoura Township, being reliant on the town’s services and is to be connected to the town’s reticulated sewerage system. While also reliant on the town’s businesses, the zone provides the opportunity for some visitor accommodation and other small-scale business to establish in a defined area. The establishment of such business would be convenient for residents and assist in fostering a sense of community.”</i></p>
OVFS3.06	Transit New Zealand	Support OV13.03	<p><i>Mixed use development would encourage local trips rather than travelling to Kaikoura. Transit would support initiatives that reduce trip numbers on the State Highway.</i></p>
OVFS2.11	RD Hughes Holdings Ltd	Oppose OV13.04	<p><i>The relief sought is inappropriate as there is no basis for the explanation to assert that the location of the proposed comprehensive</i></p>

			<i>zone departs from the desired growth of Kaikoura.</i>
<i>OVFS3.07</i>	<i>Transit New Zealand</i>	<i>Support OV13.04</i>	<i>Encouragement of multi-modal transport leads to sustainable management of the transport system.</i>

b. Decision

Accept the following submissions and further submissions:

- 132.19** **Canterbury Regional Council**
- F008.10* *Environment Canterbury*
- F020.69* *Ecology Watch Kaikoura*

Accept the following submissions and further submissions **in part**:

- VO13.03** **Canterbury Regional Council**
- VO13.04** **Canterbury Regional Council**
- OVFS2.10* *RD Hughes Holdings Ltd*
- OVFS3.06* *Transit New Zealand*
- OVFS2.11* *RD Hughes Holdings Ltd*
- OVFS3.07* *Transit New Zealand*

Reject the following submissions and further submissions:

- 100.06** **Ecology Watch Kaikoura Ltd**
- 132.15** **Canterbury Regional Council**
- F004.09* *M & J Syme*

c. Reason

1. 132.19 - Canterbury Regional Council

It is considered necessary to include the relief sought, as it provides useful background information as to what 7.2.2 Policy 1 is trying to achieve. It is considered the amendment will improve certainty and provide clarity to plan users and is therefore considered appropriate to be included in the Plan.

2. VO13.03 and VO13.04 – Canterbury Regional Council

The submissions are accepted in part to the extent that some of the suggested wording are considered appropriate and have been included. However, it is considered that the wording suggested by the further submitters equally adds value to the text and these have also been considered acceptable in part. It is considered that the amendment will provide clarity as to what the objective and associated policies are trying to achieve and will improve certainty to plan users. It is also considered that the amended text will go a long way in providing the relief sought from all the submitters. In addition, the amendment will be consistent with other decisions made in this regard and the intention of allowing the variation to the Plan.

3. 100.06 - Ecology Watch Kaikoura Ltd

In order to be consistent with other decisions, it will be inappropriate to provide the relief sought. It is considered that development outside appropriately zoned areas are likely to have significant adverse effects, which should be assessed as part of the resource consent procedure on a case-by-case basis. This will ensure consistency with Part II of the Act.

4. 132.15 - Canterbury Regional Council

The submission is rejected to ensure consistency with Part II of the Act, which is no longer concerned about versatile soils, and other decisions.

d. Amendments necessary

1. **Add** the following at the end of the second paragraph under 7.2 Explanation and Reasons:

“For flood hazard and inundation, low flood risk generally means land which is outside the risk areas as indicated on the flood hazard maps, or for areas not included in these maps, where the probability of a flood event is less than a 10% chance in 50 years (0.2% Annual Exceedance Probability). The risk from coastal erosion is low on land outside the Coastal Hazard Lines, shown in the Regional Council’s Proposed Regional Coastal Environment Plan.”

2. **Amend the** last paragraph under 7.2 Explanation and Reason, as introduced by Variation 3 to the Plan, to read as follows:

“Provision has been made for a comprehensive residential living environment on 135 ha of rolling hill country just west of Kaikoura Township between State Highway 1 and Green Lane/Ludstone Road. Unlike the Residential A and B Zones, the Ocean Ridge Comprehensive Living Zone has specific controls on the number and location of houses, which are to be developed in a setting of open space and native restoration plantings.

The Ocean Ridge Comprehensive Living Zone is connected with Kaikoura Township, being reliant on the town’s services including being connected to the town’s reticulated sewerage system. While also reliant to a greater extent on the town’s businesses, the zone provides the opportunity for some visitor accommodation and other small-scale business such as a convenience store to establish within the zone. The establishment of such small-scale business will be convenient for residents, will reduce the frequency that residents may need to travel into the township and will assist in fostering a sense of community.

A high degree of transport connectivity is also to be provided between the Ocean Ridge Comprehensive Living Zone and the existing township, including that of alternative transport to private motor vehicles. In time the Ocean Ridge Comprehensive Living Zone will form a natural outer extent for Kaikoura Township in this direction with the Kaikoura Golf Course and the Kowhai River forming the western barrier.”

9. 7.2.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.05	Ecology Watch Kaikoura Ltd	oppose	Add new method: "4. Resource consents to assist tourist accommodation and urban development on a site specific basis."
129.60	Royal Forest & Bird Protection Society of NZ	n/a	Add new method: "Encouraging alternatives to septic tanks, such as composting toilets, where contamination of water is possible and connection to a reticulated sewage treatment system is difficult."
129.61	Royal Forest & Bird Protection Society of NZ	n/a	Add new method - refer to the provision of a landscape and scenic corridor alongside State Highway 1 and the Inland Kaikoura Road and associated rules and performance standards for structures and changing land use.
130.27	Tourism Industry Assn NZ	support	None sought.
<i>F032.06</i>	<i>Forest & Bird (Central Office)</i>	<i>oppose 100.05</i>	<i>Method implies consents would be granted to facilitate development rather than address effects.</i>
<i>F004.08</i>	<i>M & J Syme</i>	<i>support 100.05</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F023.01.60</i>	<i>R & J King</i>	<i>oppose 129.60</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.60</i>	<i>W M Dowle</i>	<i>oppose 129.60</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.60</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.60</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F010.11.60</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.60</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F028.02.60</i>	<i>Sandy Chaffey</i>	<i>oppose 129.60</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F020.70</i>	<i>Ecology Watch</i>	<i>support</i>	<i>Connection to services may not be</i>

	<i>Kaikoura</i>	<i>129.60</i>	<i>practicable and alternative servicing options should be encouraged.</i>
<i>F005.02.60</i>	<i>Simon Chaffey</i>	<i>oppose 129.60</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.60</i>	<i>M & J Syme</i>	<i>oppose 129.60</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F020.71</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 129.61</i>	<i>Submission lacks certainty and is unclear.</i>
<i>F005.02.61</i>	<i>Simon Chaffey</i>	<i>oppose 129.61</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F004.84.61</i>	<i>M & J Syme</i>	<i>oppose 129.61</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.61</i>	<i>R & J King</i>	<i>oppose 129.61</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F026.10</i>	<i>Ailsa Howard</i>	<i>support 129.61</i>	<i>Support.</i>
<i>F010.11.61</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.61</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F009.01.61</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.61</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F028.02.61</i>	<i>Sandy Chaffey</i>	<i>oppose 129.61</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F030.01.61</i>	<i>W M Dowle</i>	<i>oppose 129.61</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>

b. Decision

Accept the following submission and further submissions:

- F032.06 Forest & Bird (Central Office)*
- F023.01.60 R & J King*
- F030.01.60 W M Dowle*
- F009.01.60 Fed Farmers (NZ)*
- F010.11.60 Federated Farmers (East Coast)*

<i>F028.02.60</i>	<i>Sandy Chaffey</i>
<i>F005.02.60</i>	<i>Simon Chaffey</i>
<i>F004.84.60</i>	<i>M & J Syme</i>
<i>F020.71</i>	<i>Ecology Watch Kaikoura</i>
<i>F005.02.61</i>	<i>Simon Chaffey</i>
<i>F004.84.61</i>	<i>M & J Syme</i>
<i>F023.01.61</i>	<i>R & J King</i>
<i>F010.11.61</i>	<i>Federated Farmers (East Coast)</i>
<i>F009.01.61</i>	<i>Fed Farmers (NZ)</i>
<i>F028.02.61</i>	<i>Sandy Chaffey</i>
<i>F030.01.61</i>	<i>W M Dowle</i>

Accept the following submission and further submissions **in part**:

130.27 **Tourism Industry Assn NZ**

Reject the following submissions and further submissions:

100.05 **Ecology Watch Kaikoura Ltd**
129.60 **Royal Forest & Bird Protection Society of NZ**
129.61 **Royal Forest & Bird Protection Society of NZ**
F004.08 *M & J Syme*
F026.10 *Ailsa Howard*
F020.70 *Ecology Watch Kaikoura*

c. Reason

1. 130.27 - Tourism Industry Assn NZ

The submission is accepted in part to the extent that the implementation methods have been retained albeit amended as a result of submissions.

2. 100.05 - Ecology Watch Kaikoura Ltd

It is considered inappropriate to provide the relief as sought, as it is too specific and assumes Council will favour consents for development outside of the areas zoned for development. This submission is rejected in order to be consistent with other decisions.

3. 129.60 - Royal Forest & Bird Protection Society of NZ

It is considered unnecessary to provide the new method as suggested, as it is already adequately and more appropriately provided for in section 13 Policy 13.3.2.2(2) dealing with subdivision.

4. 129.61 - Royal Forest & Bird Protection Society of NZ

It is considered unnecessary to provide the new method as suggested by this submission, as it is already adequately and more appropriately provided for in section 11 dealing with Landscape and Visual Amenity.

d. Amendments necessary

None.

10. 7.2.3 Method 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.59	Royal Forest & Bird Protection Society of NZ	support	Retain.
<i>F028.02.59</i>	<i>Sandy Chaffey</i>	<i>oppose 129.59</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F004.84.59</i>	<i>M & J Syme</i>	<i>oppose 129.59</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F009.01.59</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.59</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F005.02.59</i>	<i>Simon Chaffey</i>	<i>oppose 129.59</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F010.11.59</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.59</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.59</i>	<i>W M Dowle</i>	<i>oppose 129.59</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F023.01.59</i>	<i>R & J King</i>	<i>oppose 129.59</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>

b. Decision

Accept the following submission:

129.59 Royal Forest & Bird Protection Society of NZ

Reject the following further submissions:

F028.02.59 Sandy Chaffey
F004.84.59 M & J Syme
F009.01.59 Fed Farmers (NZ)
F005.02.59 Simon Chaffey
F010.11.59 Federated Farmers (East Coast)
F030.01.59 W M Dowle
F023.01.59 R & J King

c. Reason

Support for the method is acknowledged. The method is considered appropriate, as it is consistent with Part II of the Act and Council's other documents such as the Long Terms Council Community Plan.

d. Amendments necessary

None.

11. 7.3 Issue 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.01	Ministry for the Environment	oppose	Delete.
132.20	Canterbury Regional Council	support	Retain.
F020.72	<i>Ecology Watch Kaikoura</i>	<i>support 112.01</i>	<i>Support the philosophy of the submission that activities should not be restricted to existing urban areas.</i>
F032.07	<i>Forest & Bird (Central Office)</i>	<i>oppose 112.01</i>	<i>Current issue is relevant to reducing greenhouse gas emissions.</i>
F020.76	<i>Ecology Watch Kaikoura</i>	<i>oppose 132.20</i>	<i>It is not always efficient, necessary or appropriate for urban development to occur within existing urban areas.</i>

b. Decision

Accept the following submission and further submission:

132.20 **Canterbury Regional Council**
F032.07 *Forest & Bird (Central Office)*

Reject the following submission and further submissions:

112.01 **Ministry for the Environment**
F020.76 *Ecology Watch Kaikoura*
F020.72 *Ecology Watch Kaikoura*

c. Reason

1. 132.20 - Canterbury Regional Council

Support for the issue is acknowledged. Retention of the issue is considered appropriate, as it is consistent with Part II of the Act and Council’s Long Term Council Community Plan.

2. 112.01 – Ministry for the Environment

The submitter’s claim for a more effects based assessment of development as opposed to a directive approach is noted and the philosophy in general is supported. However, in the context of this issue, its objective, policies, etc. the submission is not considered valid, as the issue clearly relates to existing Council owned reticulated infrastructure in relation to urban form. In the explanations and reasons it is clearly explained that effects of future development on the existing infrastructure should not be seen as a barrier to development. Rather, continued demand as a result of additional growth will be factored into any required upgrades, which are to be paid by developers by means of development contributions. It should also be noted that regard should be given to the fact that this is only one issue to be

considered in the context of development and proximity to infrastructure will not be given priority when considering urban growth. It is for these reasons that the submission and further submission are rejected.

d. Amendments necessary

None.

12. 7.3.1 Objective 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.02	Ministry for the Environment	oppose	Delete.
130.28	Tourism Industry Assn NZ	support	None sought.
132.21	Canterbury Regional Council	support	Retain.
<i>F020.73</i>	<i>Ecology Watch Kaikoura</i>	<i>support 112.02</i>	<i>Support the philosophy of the submission that activities should not be restricted to existing urban areas.</i>
<i>F020.77</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 132.21</i>	<i>It is not always efficient, necessary or appropriate for urban development to occur within existing urban areas.</i>

b. Decision

Accept the following submissions:

- 130.28** **Tourism Industry Assn NZ**
- 132.21** **Canterbury Regional Council**

Reject the following submission and further submissions:

- 112.02** **Ministry for the Environment**
- F020.73* *Ecology Watch Kaikoura*
- F020.77* *Ecology Watch Kaikoura*

c. Reason

1. 112.02 – Ministry for the Environment

The submitter’s claim for more effects based assessment of development as opposed to a directive approach is noted and supported. However, in the context of this objective, the submission is not considered valid, as the objective clearly deals with existing Council owned reticulated infrastructure in relation to urban form. In the explanations and reasons it is clearly explained that effects of future development on the existing infrastructure should not be seen as a barrier to development. Rather, continued demand as a result of additional growth will be factored into any required upgrades, which are to be paid by developers by means of contributions. For these reasons the submission and further submission are rejected.

2. 130.28 - Tourism Industry Assn NZ

Support for the objective is acknowledged. Retention of the objective is considered appropriate, as it is consistent with Part II of the Act and Council’s Long Term Council Community Plan.

3. 132.21 - Canterbury Regional Council

Support for the objective is acknowledged.

d. Amendments necessary

None.

13. 7.3.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.29	Tourism Industry Assn NZ	support	None sought.
100.08	Ecology Watch Kaikoura Ltd	Oppose	Add new policy: "To provide for additional tourist accommodation through either independent infrastructure or public infrastructure funded by financial contributions."
<i>F004.10</i>	<i>M & J Syme</i>	<i>support</i> <i>100.08</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Accept the following submission:

130.29 **Tourism Industry Assn NZ**

Reject the following submissions and further submissions:

100.08 **Ecology Watch Kaikoura Ltd**

F004.10 *M & J Syme*

c. Reason

1. 130.29 – Tourism Industry Assn NZ

Support for the policies is acknowledged. Retention of the policies is considered appropriate, as they are consistent with Part II of the Act and Council's Long Term Council Community Plan.

2. 100.08 – Ecology Watch Kaikoura Ltd

The submission is rejected, as visitor accommodation is adequately provided for in 7.7.2 Policy 2 and it is considered unnecessary to repeat the provision.

d. Amendments necessary

None.

14. 7.3.2 Policy 1

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
100.07	Ecology Watch Kaikoura Ltd	oppose	Amend policy 1 to read: "To encourage the efficient use of existing...."
112.03	Ministry for the Environment	?	Delete.
132.22	Canterbury Regional Council	support	Retain.
<i>F004.11</i>	<i>M & J Syme</i>	<i>support 100.07</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F020.74</i>	<i>Ecology Watch Kaikoura</i>	<i>support 112.03</i>	<i>Support the philosophy of the submission that activities should not be restricted to existing urban areas.</i>
<i>F020.78</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 132.22</i>	<i>It is not always efficient, necessary or appropriate for urban development to occur within existing urban areas.</i>

b. Decision

Accept the following submission:

132.22 **Canterbury Regional Council**

Reject the following submission and further submissions:

100.07 **Ecology Watch Kaikoura Ltd**

112.03 **Ministry for the Environment**

F004.11 *M & J Syme*

F020.74 *Ecology Watch Kaikoura*

F020.78 *Ecology Watch Kaikoura*

c. Reason

1. 132.22 – Canterbury Regional Council

Support for the policy is acknowledged. Retention of the policy is considered appropriate, as it is consistent with Part II of the Act and Council’s Long Term Council Community Plan.

2. 100.07 – Ecology Watch Kaikoura Ltd

The replacement of the word “ensure” with the word “encourage” is not considered appropriate, as it would result in a lower level of assessment for development outside the urban areas, where it would rather be more appropriate to have a higher level of assessment due to potential adverse effects. This submission is therefore rejected for reasons of effectiveness and efficiency.

3. 112.03 – Ministry for the Environment

The submitter's claim for more effects based assessment of development as opposed to a directive approach is noted and supported. However, in the context of the objective and the policies that give effect to it, the submission is not considered valid, as they clearly deal with existing Council owned reticulated infrastructure in relation to urban form. In the explanations and reasons it is clearly explained that effects of future development on the existing infrastructure should not be seen as a barrier to development. Rather, continued demand as a result of additional growth will be factored into any required upgrades, which are to be paid by developers by means of contributions. The submission and further submission are rejected in order to be consistent with other related decisions.

d. Amendments necessary

None.

15. 7.3.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.04	Ministry for the Environment	?	Delete.
132.23	Canterbury Regional Council	support	Retain.
F020.75	<i>Ecology Watch Kaikoura</i>	<i>support 112.04</i>	<i>Support the philosophy of the submission that activities should not be restricted to existing urban areas.</i>
F020.79	<i>Ecology Watch Kaikoura</i>	<i>oppose 132.23</i>	<i>It is not always efficient, necessary or appropriate for urban development to occur within existing urban areas.</i>

b. Decision

Accept the following submission:

132.23 **Canterbury Regional Council**

Reject the following submission and further submissions:

112.04 **Ministry for the Environment**

F020.75 *Ecology Watch Kaikoura*

F020.79 *Ecology Watch Kaikoura*

F020.78 *Ecology Watch Kaikoura*

c. Reason

1. 132.23 – Canterbury Regional Council

Support for the policy is acknowledged. Retention of the policy is considered appropriate, as it is consistent with Part II of the Act and Council’s Long Term Council Community Plan.

2. 112.04 – Ministry for the Environment

The submitter’s claim for more effects based assessment of development as opposed to a directive approach is noted and supported. However, in the context of the objective and the policies that give effect to it, the submission is not considered valid, as they clearly deal with existing Council owned reticulated infrastructure in relation to urban form. In the explanations and reasons it is clearly explained that effects of future development on the existing infrastructure should not be seen as a barrier to development. Rather, continued demand as a result of additional growth will be factored into any required upgrades, which are to be paid by developers by means of contributions. The submission and further submission are rejected in order to be consistent with other related decisions.

d. Amendments necessary

None.

16. 7.3.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.62	Royal Forest & Bird Protection Society of NZ	support	Retain.
<i>F010.11.62</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.62</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F023.01.62</i>	<i>R & J King</i>	<i>oppose 129.62</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F030.01.62</i>	<i>W M Dowle</i>	<i>oppose 129.62</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.62</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.62</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.62</i>	<i>M & J Syme</i>	<i>oppose 129.62</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F005.02.62</i>	<i>Simon Chaffey</i>	<i>oppose 129.62</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F028.02.62</i>	<i>Sandy Chaffey</i>	<i>oppose 129.62</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>

b. Decision

Accept the following submission:

129.62 Royal Forest & Bird Protection Society of NZ

Reject the following further submissions:

F010.11.62 Federated Farmers (East Coast)
F023.01.62 R & J King
F030.01.62 W M Dowle
F009.01.62 Fed Farmers (NZ)
F004.84.62 M & J Syme
F005.02.62 Simon Chaffey
F028.02.62 Sandy Chaffey

c. Reason

Support for the policy is acknowledged. Retention of the policy is considered appropriate, as it is consistent with Part II of the Act and Council's Long Term Council Community Plan.

d. Amendments necessary

None.

17. 7.3.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.09	Ecology Watch Kaikoura Ltd	oppose	Add new method: "5. Resource Consents to enable a site specific assessment of the effects of servicing for tourist accommodation facilities on the environment, outside urban areas."
130.30	Tourism Industry Assn NZ	support	None sought.
<i>F004.12</i>	<i>M & J Syme</i>	<i>support</i> <i>100.09</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Accept the following submission:

130.30 Tourism Industry Assn NZ

Reject the following further submission and further submissions:

100.09 Ecology Watch Kaikoura Ltd

F004.12 M & J Syme

c. Reason

1. 100.09 – Ecology Watch Kaikoura Ltd

It is considered inappropriate to add the new method as sought, as it is too specific. It is considered that method 1 already adequately provides for the management of effects through the provision of zone rules and subsequent resource consents. Method 1, which is more generic, is considered the most effective and efficient way to give effect to the policies and the objective. A new method is therefore considered unnecessary.

2. 130.30 – Tourism Industry Assn NZ

Support for the methods is acknowledged.

d. Amendments necessary

None.

18. 7.3 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.10	Ecology Watch Kaikoura Ltd	oppose	Add new paragraph to indicate that the Council recognises the demand for tourist accommodation outside the urban area and that independent servicing may be required.
112.05	Ministry for the Environment	?	Delete the first and second paragraphs and replace with provisions that address the environmental effects of infrastructure.
<i>F008.11</i>	<i>Environment Canterbury</i>	<i>oppose 100.10</i>	<i>Wording and amendments place undue emphasis on the provision of tourist facilities and servicing of those facilities.</i>
<i>F004.13</i>	<i>M & J Syme</i>	<i>support 100.10</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F020.80</i>	<i>Ecology Watch Kaikoura</i>	<i>support 112.05</i>	<i>Plan should not make pre-determined judgement as to the most efficient way to service remote urban developments.</i>

b. Decision

Accept the following submission and further submission **in part**:

100.10 **Ecology Watch Kaikoura Ltd**
F004.13 *M & J Syme*

Reject the following submission and further submission:

112.05 **Ministry for the Environment**
F008.11 *Environment Canterbury*
F020.80 *Ecology Watch Kaikoura*

c. Reason

1. 100.10 - Ecology Watch Kaikoura Ltd

It is recognised that the suggestion has some merit, in that servicing of development via community schemes, and other alternatives can prove effective with minor adverse effects. However, while some recognition of this is appropriate, the suggested wording is considered too specific. The submission is therefore accepted in part to the extent that the amendment will go some way in providing the relief sought.

2. 112.05 – Ministry for the Environment

It is considered necessary to retain the two paragraphs to provide the explanation and reasons for objectives and policies, and also to explain how the Council intends to give effect to section 7(b) of the Act. The environmental effects of infrastructure and development are considered independently as part of the resource consent process.

d. Amendments necessary

Add the following after the second paragraph of the Explanation and Reasons under 7.3 Issue 2:

“However, servicing for development outside the urban areas can be provided by a range of options, including alternatives to conventional options, provided that it is an efficient use of resources and so that any adverse effects are mitigated or avoided.”

19. 7.4 Issue 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.63	Royal Forest & Bird Protection Society of NZ	?	Amend to read: "The adverse effects of growth of commercial activities and associated developments on the district's natural resources and increased demands such growth puts on physical infrastructure."
<i>F028.02.63</i>	<i>Sandy Chaffey</i>	<i>oppose 129.63</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F030.01.63</i>	<i>W M Dowle</i>	<i>oppose 129.63</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F009.01.63</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.63</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.63</i>	<i>M & J Syme</i>	<i>oppose 129.63</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F020.81</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 129.63</i>	<i>Wording sought assumes that growth and development will be adverse.</i>
<i>F023.01.63</i>	<i>R & J King</i>	<i>oppose 129.63</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F010.11.63</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.63</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F005.02.63</i>	<i>Simon Chaffey</i>	<i>oppose 129.63</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>

b. Decision

Accept the following submission and further submissions **in part**:

- 129.63** **Royal Forest & Bird Protection Society of NZ**
- F028.02.63* *Sandy Chaffey*
- F030.01.63* *W M Dowle*
- F009.01.63* *Fed Farmers (NZ)*
- F004.84.63* *M & J Syme*
- F020.81* *Ecology Watch Kaikoura*
- F023.01.63* *R & J King*
- F010.11.63* *Federated Farmers (East Coast)*

F005.02.63 Simon Chaffey

c. Reason

It is acknowledged that the wording of the issue is too brief to be effective and efficient. However, it is considered that the wording suggested by the submitter does not accurately reflect the intent of the issue. It is noted that Issues 1 and 2 adequately relate to the interrelationship between infrastructure and growth (urban and tourism) and that that is not the intent of Issue 3. Rather, it is noted that Issue 3 deals with the interrelationship between residential/living areas and commercial activities, and the co-existence of these activities where it is considered appropriate. The submission is therefore accepted in part to the extent that the issue is expanded to better reflect its intent. The further submissions are accepted in part to the extent that the suggested wording has not been accepted.

d. Amendments necessary

Amend 7.4 Issue 3 to read as follows:

“ Provision for the growth of commercial activities and associated development within the District, where this is appropriate.”

20. 7.4.1 Objective 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.32	Tourism Industry Assn NZ	support	None sought.
F020.82	<i>Ecology Watch Kaikoura</i>	<i>oppose</i>	<i>The Plan should retain flexibility for such activities and not categorise all activities into predetermined patterns of land use.</i>

b. Decision

Accept the following submissions and further submissions **in part**:

130.32 **Tourism Industry Assn NZ**
F020.82 ***Ecology Watch Kaikoura***

c. Reason

1. 130.32 - Tourism Industry Assn NZ

The submission is accepted in part to the extent that the essence of objective 3 remains the same, but it has been altered to ensure consistency with the rest of the Plan and to provide certainty. The concern raised by the further submitter regarding the establishment of inflexible land-use patterns is acknowledged. However, it is considered that the objective does recognise and provide for activities with different characteristics to co-exist. It is also noted that one should not confuse the reference to “areas” as opposed to “zones” in some instances. The further submission does however, raise awareness regarding the inconsistent use of the words “commercial” and “business” activities. A subsequent amendment is considered necessary to avoid any doubt, to provide certainty to plan users and to bring the issue, its objective and policies in line with the definition of commercial activities in the Plan. The submissions are therefore accepted in part.

d. Amendments necessary

1. Amend 7.4.1 Objective 3 to read:

*“...while recognising the distinction between **commercial** and **non-commercial** activities.”*

2. As a consequential amendment:

2.1 Amend the heading of 7.4 Issue 3 to read:

*“Issue 3 - Growth and Development of **Commercial** Activities”*

2.2 Amend 7.4.2 Policy 1 to read:

*“ To recognise and provide for principal retail / **commercial** areas through the use of zoning.”*

2.3 **Amend** 7.4.3 Implementation Method 1 to read:

*“ The use of **Business** zones to identify principal **retail / commercial** areas.”*

2.4 **Amend** the first paragraph under explanation and reasons to read:

*“ One of the most important factors in managing growth is the interrelationship between residential/living areas and business areas **where commercial activities occur**. It is an efficient use of resources if **commercial** activities can locate in the same general area...”*

21. 7.4.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.33	Tourism Industry Assn NZ	support	None sought.
112.06	Ministry for the Environment	?	Delete and replace with 7.4.3 Method 2.
095.03	Bill Edwards	?	No mobile vendors on Jimmy Armers beach.
<i>F029.01</i>	<i>Kaikoura Historical Society</i>	<i>support 095.03</i>	<i>Support the proposal to oppose mobile vendors on Jimmy Armers Beach.</i>

b. Decision

Accept the following submission:

130.33 Tourism Industry Assn NZ

Reject the following submissions and further submission:

112.06 Ministry for the Environment

095.03 Bill Edwards

F029.01 Kaikoura Historical Society

c. Reason

1. 112.06 – Ministry for the Environment and 095.03 – Bill Edwards

It is noted that Policy 2 has been included to give effect to a recommendation of the Kaikoura Coastal Management Strategy (1998). It is further noted that that strategy, which went through a number of public consultation stages, specifically identified the areas in Policy 2 as being suitable for a limited number of mobile vendors. It is considered appropriate to include this policy, as an increase in the number of mobile vendors, particularly eco-tourist operators, showed a need to provide for commercial activities of this type. This is considered to be of particular importance given that most of these activities are sea-based and need the ability to locate on either side of the Peninsula depending on the sea conditions.

It is therefore considered necessary to retain Policy 2, not only to give effect to the Coastal Management Strategy, but also to guide potential applicants and Council.

2. 130.33 - Tourism Industry Assn NZ

Support for the policies is acknowledged.

d. Amendments necessary

None.

22. 7.4.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.34	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission 130.34 Tourism Industry Assn NZ in part

c. Reason

Support for the implementation methods is acknowledged. The submission is accepted in part to the extent that the methods are retained albeit amended as a result of consequential amendments in further submission *F020.82 - Ecology Watch Kaikoura*.

d. Amendments necessary

None.

23. 7.4 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.07	Ministry for the Environment	?	Delete Explanation and Reasons and amend to explain how the co-location of activities could avoid, remedy or mitigate adverse effects on the environment.
130.35	Tourism Industry Assn NZ	n/a	Define "appropriate" particularly in regard to existing or potential tourism operations.
F020.83	<i>Ecology Watch Kaikoura</i>	<i>support 112.07</i>	<i>Any amendment should recognise that not all business/commercial activities need to co-locate.</i>

b. Decision

Accept the following submissions and further submission **in part**:

- 130.35** **Tourism Industry Assn NZ**
- 112.07** **Ministry for the Environment**
- F020.83** ***Ecology Watch Kaikoura***

c. Reason

1. 130.35 - Tourism Industry Assn NZ

It is considered appropriate to provide the relief sought in order to provide clarity and improve certainty. It is however, considered more appropriate to amend 7.4.3 Implementation Method 3, as the method can be more explicit in how the policies should be given effect to. The submission is therefore accepted in part to the extent that 7.4.3 Implementation Method 3 has been amended to provide greater clarity.

2. 112.07 – Ministry for the Environment

The submission is in part to the extent that the explanation and reasons relate the benefits of co-location to avoiding adverse effects.

d. Amendments necessary

1. Amend 7.4.3 Implementation Method 3 to read as follows:

“Allowing small scale food and eco-tourism mobile vendors to operate via the resource consent process.”

2. Amend the second sentence of the first paragraph of the explanation and reasons, as amended by a previous consequential amendment under item 20 - 7.4.1 Objective 3 above, to read as follows:

“It is an efficient use of resources, and will minimise adverse effects, if commercial activities can co-locate in the same general area...”

24. 7.5 Issue 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.08	Ministry for the Environment	?	Amend to read: "The potential effects of development on the "small coastal village" character of Kaikoura."
<i>F020.84</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>Tourism should not be singled out as an activity which has greater effects.</i>

b. Decision

Accept the following submission and further submission **in part**:

112.08	Ministry for the Environment
<i>F020.84</i>	<i>Ecology Watch Kaikoura</i>

c. Reason

It is acknowledged that tourism should not be singled out as having greater effects than any other sector however, given the importance of tourism to the local economy and the fact that Kaikoura is a recognised and well established tourism destination, it is considered appropriate to retain the reference, but to amend it. The submission is therefore accepted in part to the extent that the amended issue will go some way in providing the relief sought.

d. Amendments necessary

Amend 7.5 Issue 4 to read as follows:

*“The potential effects of development, **including** tourism, on the...”*

25. 7.5.1 Objective 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.09	Ministry for the Environment	?	Amend to read: "To provide for sustainable development...."
061.01	Mark Hennessey	support	None sought.
130.36	Tourism Industry Assn NZ	support	None sought.
F020.85	<i>Ecology Watch Kaikoura</i>	<i>support 112.09</i>	<i>No need to distinguish between tourism and other commercial activities.</i>

b. Decision

Accept the following submissions and further submission **in part**:

112.09	Ministry for the Environment
061.01	Mark Hennessey
130.36	Tourism Industry Assn NZ
F020.85	<i>Ecology Watch Kaikoura</i>

c. Reason

1. 112.09 - Ministry for the Environment

It is acknowledged that tourism should not be singled out as having greater effects than any other sector however, given the importance of tourism to the local economy and the fact that Kaikoura is a recognised and well established tourism destination, it is considered appropriate to retain the reference, but to amend it. The submission is therefore accepted in part to the extent that the amended objective will go some way in providing the relief sought.

2. 061.01 - Mark Hennessey and 130.36 - Tourism Industry Assn NZ

The submissions are accepted in part to the extent that the objective is retained but the wording has been altered as a result of submissions.

d. Amendments necessary

Amend 7.5.1 Objective 4 to read as follows:

"To provide for sustainable development, including tourism, in a way..."

26. 7.5.2 Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
061.02	Mark Hennessey	support	None sought.

b. Decision

Accept submission **061.02 Mark Hennessey in part.**

c. Reason

Support for the policies is acknowledged. The submission is accepted in part to the extent that some of the policies have been amended as a result of submissions.

d. Amendments necessary

None.

27. 7.5.2 Policy 1

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
130.37	Tourism Industry Assn NZ	oppose	Define "small coastal village character" in order for such character to be clearly defined for both the local and national community.
<i>F026.11</i>	<i>Ailsa Howard</i>	<i>support 130.37</i>	<i>Definitions allow people clarity in action and fewer arguments.</i>
<i>F020.86</i>	<i>Ecology Watch Kaikoura</i>	<i>support 130.37</i>	<i>There is no certainty for developers as to what is acceptable to meet the policy and how Council will measure compliance.</i>

b. Decision

Accept the following submission in part:

- 130.37** **Tourism Industry Assn NZ**
- F026.11* *Ailsa Howard*
- F020.86* *Ecology Watch Kaikoura*

c. Reason

The submitter’s concern that “character” of an area cannot be defined is acknowledged. However, it is noted that the use of the phrase “small coastal village” character was the result of research undertaken by Lincoln University, where that phrase was consistently used to define Kaikoura’s character. It is considered appropriate to retain that phrase, but that it would be more effective and efficient to elaborate on this in the explanation and reasons. The submissions are therefore accepted in part.

d. Amendments necessary

Amend the first sentence under 7.5 Explanation and Reasons to read as follows:

“Kaikoura has a character that has been frequently described by visitors as reminiscent of a “small coastal village”. Some of the more important elements of this character type are: wide streets; low traffic volumes; low noise emissions; ample parking; no traffic lights; low rise and small scale buildings; low density development; building orientation to take in expansive sea views; non-intrusive colours and; retention and enhancement of historic buildings.

The resources of the District...”

28. 7.5.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.38	Tourism Industry Assn NZ	oppose	Define "appropriate noise levels" of tourism in locations other than the Whaleway Station or the airport.
<i>F020.87</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>It is not practicable for all tourist activities to locate in specific areas and not all tourist activities are noisy.</i>
V14.03	Marlborough Lines Ltd	support	Accept the proposed variation - addition of the words " the Kaikoura Peninsula Tourism Zone".

b. Decision

Accept submission **V14.03 Marlborough Lines Ltd.**

Accept the following submission and further submission **in part**:

130.38 **Tourism Industry Assn NZ**
F020.87 *Ecology Watch Kaikoura*

c. Reason

1. V14.03 - Marlborough Lines Ltd

Support for the variation is acknowledged.

2. 130.38 – Tourism Industry Assn NZ

The submitter’s concerns regarding the uncertainty of the policy are acknowledged. It is however considered inappropriate to define “appropriate noise levels”. The submission is therefore accepted in part to the extent that the wording of the policy has been amended to provide clarity that only certain types of tourist activities are being referred to.

d. Amendments necessary

Amend 7.5.2 Policy 2 to read as follows:

*“To provide for **certain types of** tourist activities....*

29. 7.5.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.39	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.39 Tourism Industry Assn NZ**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

30. 7.5.2 Policy 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.40	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.40 Tourism Industry Assn NZ**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

31. 7.5.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.41	Tourism Industry Assn NZ	support	None sought.
<i>F020.88</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>Development of tourist activities and facilities would benefit from an overall strategy.</i>
<i>F026.12</i>	<i>Ailsa Howard</i>	<i>oppose</i>	<i>Clarify where required financial contributions from upgrade will come from.</i>

b. Decision

Accept the following submission and further submission:

130.41 **Tourism Industry Assn NZ**
F020.88 *Ecology Watch Kaikoura*

Reject the following further submission:

F026.12 *Ailsa Howard*

c. Reason

1. 130.41 - Tourism Industry Assn NZ

Support for the implementation methods is acknowledged.

2. *F026.12 – Ailsa Howard*

The changes sought in this further submission cannot be considered, as further submissions may only support or oppose an original submission and cannot seek any new changes.

d. Amendments necessary

None.

32. 7.5 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.11	Ecology Watch Kaikoura Ltd	oppose	Delete the last sentence of the first paragraph and the entire second paragraph, and replace with a paragraph explaining that future development recognises, maintains and enhances the existing character and amenity values of Kaikoura.
112.10	Ministry for the Environment	?	Amend Explanation and Reasons.
<i>F032.08</i>	<i>Forest & Bird (Central Office)</i>	<i>oppose 100.11</i>	<i>Proposed change does not recognise potential adverse effects on character of Kaikoura.</i>
<i>F004.14</i>	<i>M & J Syme</i>	<i>support 100.11</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
V5.01	Teresa M Sonal	support	Support, as the location and design of the buildings blend with the Peninsula's landform, and the development is kept to a minimum of land area. No decision sought.

b. Decision

Accept the following submissions and further submission:

100.11	Ecology Watch Kaikoura Ltd
112.10	Ministry for the Environment
<i>F004.14</i>	<i>M & J Syme</i>
V5.01	Teresa M Sonal

Reject the following further submission:

<i>F032.08</i>	<i>Forest & Bird (Central Office)</i>
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c. Reason

1. 100.11 – Ecology Watch Kaikoura Ltd

It is considered that the amendments introduced by Variation 2 to the Plan will provide the necessary relief sought.

2. 112.10 – Ministry for the Environment

It is noted that the submission did not seek any specific wording, however it is considered that the amendment introduced by Variation 2 to the Plan will adequately address the concerns raised by the submitter. The decision is also consistent with other decisions made regarding Issue 4 and Objective 4.

3. V5.01 – Teresa M Sonal

Support for the amendments to the Explanations and Reasons as introduced by Variation 2 is acknowledged.

d. Amendments necessary

Consequential amendments from Item 27 - 7.5.2 Policy 1.

33. 7.6 Issue 5

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.11	Ministry for the Environment	oppose	Delete.
<i>F020.01</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose</i>	<i>Tourism is a resource management issue in the Kaikoura District and we support specific reference in the Plan.</i>

b. Decision

Reject the following submission:

112.11 Ministry for the Environment

Accept the following further submission:

F020.01 Ecology Watch Kaikoura

c. Reason

It is noted that Schedule 2 to the Act (Clause 2 - Matters which may be included in District Plans), before it was repealed in August 2003, specified the following as a matter for inclusion in plans:

“any matter relating to the management of any actual or potential effects of any use, development or protection described in Clause 1, including on.....the community or any group within the community”.

Furthermore, section 5(2) of the Act defines “sustainable management” as managing the use, development or protection of natural and physical resources “...*in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being...*”

It is therefore considered clear that the Act does in fact contemplate “district specific matters” such as Issue 5, and that this issue relates to a specific purpose of the Act.

d. Amendments necessary

None.

34. 7.6.1 Objective 5

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.17	Ecology Watch Kaikoura Ltd	support	Retain.
112.12	Ministry for the Environment	oppose	Delete.
130.42	Tourism Industry Assn NZ	support	Amend to read: "To recognise and enhance the significance of ..."
<i>F035.08</i>	<i>Tourism Industry Association</i>	<i>support</i> <i>100.17</i>	<i>The objective provides a succinct summary of key objectives.</i>
<i>F020.02</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose</i> <i>112.12</i>	<i>Tourism is a resource management issue in the Kaikoura District and we support specific reference in the Plan.</i>
<i>F020.05</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i> <i>130.42</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>

b. Decision

Accept the following submissions and further submissions:

- 130.42** **Tourism Industry Assn NZ**
- F020.02* *Ecology Watch Kaikoura*
- F020.05* *Ecology Watch Kaikoura*

Accept the following submission and further submission **in part**:

- 100.17** **Ecology Watch Kaikoura Ltd**
- F035.08* *Tourism Industry Association*

Reject the following submission:

- 112.12** **Ministry for the Environment**

c. Reason

1. 100.17 – Ecology Watch Kaikoura Ltd

Support for the objective is acknowledged. The submission is accepted in part to the extent that the objective is retained but amended as a result of submissions.

2. 130.42 – Tourism Industry Assn NZ

It is considered appropriate to include the suggested wording, for the following reasons:

- (i) It will be consistent with Kaikoura’s Long Term Council Community Plan
- (ii) It will recognise the ongoing work of the Kaikoura Tourism and Development Committee, and its strategy of planning for tourism.
- (iii) In terms of the resource management framework, enhancement of tourism would not be inconsistent with the Act.

3. 112.12 - Ministry for the Environment

It is noted that Schedule 2 to the Act (Clause 2 - Matters which may be included in District Plans), before it was repealed in August 2003, specified the following as a matter for inclusion in plans:

“any matter relating to the management of any actual or potential effects of any use, development or protection described in Clause 1, including on.....the community or any group within the community”.

Furthermore, section 5(2) of the Act defines “sustainable management” as managing the use, development or protection of natural and physical resources “...in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being...”

It is therefore considered clear that the Act does in fact contemplate “district specific matters” such as Issue 5 and the subsequent Objective 5, and that this objective relates to a specific purpose of the Act.

d. Amendments necessary

Amend 7.6.1 Objective 5 to read:

*“To recognise **and enhance** the significance...”*

35. 7.6.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.18	Ecology Watch Kaikoura Ltd	support	Retain.
112.13	Ministry for the Environment	oppose	Delete all policies.
<i>F004.15</i>	<i>M & J Syme</i>	<i>support</i> <i>100.18</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
<i>F020.03</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose</i> <i>112.13</i>	<i>Tourism is a resource management issue in the Kaikoura District and we support specific reference in the Plan.</i>
<i>F030.06</i>	<i>W M Dowle</i>	<i>oppose</i> <i>112.13</i>	<i>Future growth must be planned for, facilities, activities and accommodation.</i>

b. Decision

Accept the following further submissions:

F020.03 Ecology Watch Kaikoura
F030.06 W M Dowle

Accept the following submission and further submission **in part**:

100.18 Ecology Watch Kaikoura Ltd
F004.15 M & J Syme

Reject the following submission:

112.13 Ministry for the Environment

c. Reason

1. 100.18 – Ecology Watch Kaikoura Ltd

Support for the policies is acknowledged, however the submission and further submission are accepted in part to the extent that the policies are retained, albeit amended as a result of submissions.

2. 112.13 - Ministry for the Environment

It is considered necessary to retain the policies, as they are consistent with the Act. The policies are also consistent with other relevant decisions.

d. Amendments necessary

None.

36. 7.6.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.43	Tourism Industry Assn NZ	support	None sought.

b. Decision

Accept submission **130.43 Tourism Industry Assn NZ**

c. Reason

Support for the policy is acknowledged.

d. Amendments necessary

None.

37. 7.6.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.44	Tourism Industry Assn NZ	support	Amend to read: " To recognise and encourage the opportunities for ..."
<i>F020.07</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>

b. Decision

Accept the following submissions and further submission:

130.44 **Tourism Industry Assn NZ**
F020.07 *Ecology Watch Kaikoura*

c. Reason

It is considered appropriate to include the suggested wording, for the following reasons:

- (i) It will be consistent with Kaikoura’s Long Term Council Community Plan
- (ii) It will recognise the ongoing work of the Kaikoura Tourism and Development Committee, and its strategy of planning for tourism.
- (iii) It will be consistent with Part II of the Act.

d. Amendments necessary

Amend 7.6.2 Policy 2 to read:

*“To recognise **and encourage** the opportunities...”*

38. 7.6.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.45	Tourism Industry Assn NZ	support	None sought.
<i>F020.08</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>

b. Decision

Accept the following submission and further submission:

130.45	Tourism Industry Assn NZ
<i>F020.08</i>	<i>Ecology Watch Kaikoura</i>

c. Reason

Support for the policies is acknowledged.

d. Amendments necessary

None.

39. 7.6.2 Policy 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.46	Tourism Industry Assn NZ	support	Define or explain "Sustainable manner".

b. Decision

Accept submission **130.46 Tourism Industry Assn NZ**

c. Reason

It is considered appropriate to better explain ‘sustainable manner’, as it is unclear as used in this context that it refers to the sustainable management of resources.

d. Amendments necessary

Amend 7.6.2 Policy 4 to read as follows:

“ *...tourism activities such that adverse effects are avoided, remedied or mitigated.*”

40. 7.6.2 Policy 5

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
130.47	Tourism Industry Assn NZ	support	Define or explain "Kaikoura's uniqueness".
<i>F020.09</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The policy provides little guidance or certainty.</i>

b. Decision

Accept the following submission and further submission:

130.47 **Tourism Industry Assn NZ**

F020.09 *Ecology Watch Kaikoura*

c. Reason

It is considered that the amended wording will provide clarity and improves certainty that it is the small coastal village character of Kaikoura that needs to be retained. The amended wording is also considered consistent with the rest of the Plan.

d. Amendments necessary

Amend 7.6.2 Policy 5 to read as follows:

“ ...*the desire to retain Kaikoura’s small coastal village character*”.

41. 7.6.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.14	Ministry for the Environment	oppose	Delete.
130.48	Tourism Industry Assn NZ	support	None sought.
<i>F020.04</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 112.14</i>	<i>Tourism is a resource management issue in the Kaikoura District and we support specific reference in the Plan.</i>
<i>F020.10</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 112.14</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>

b. Decision

Accept the following submission and further submission:

130.48 **Tourism Industry Assn NZ**

F020.04 ***Ecology Watch Kaikoura***

F020.10 ***Ecology Watch Kaikoura***

Reject the following submission:

112.14 **Ministry for the Environment**

c. Reason

1. 130.48 - Tourism Industry Assn NZ

Support for the implementation methods is acknowledged.

2. 112.14 – Ministry for the Environment

It is considered that the implementation methods are consistent with the Act. This submission is rejected in order to be consistent with previous decisions in this regard.

d. Amendments necessary

None.

42. 7.7 Issue 6

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.15	Ministry for the Environment	oppose	Delete.

b. Decision

Reject submission 112.15 Ministry for the Environment

c. Reason

It is considered important and necessary to single out visitor accommodation as an issue for the following reasons:

- (i) The importance of visitor accommodation to Kaikoura as a recognised tourist destination.
- (ii) The potential adverse effects caused by uncontrolled development of visitor accommodation.
- (iii) The past history of difficulties with the way the Transitional District Plan controlled this activity, especially in terms of monitoring.
- (iv) To provide certainty to plan users through the provision of objectives and policies

d. Amendments necessary

None.

43. 7.7.1 Objective 6

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.16	Ministry for the Environment	?	Delete.
130.49	Tourism Industry Assn NZ	support	None sought.
<i>F020.11</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 112.16</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>
<i>F020.14</i>	<i>Ecology Watch Kaikoura</i>	<i>support 130.49</i>	<i>The Plan should identify resource management issues and effects of tourism activities, in particular provision of accommodation.</i>

b. Decision

Accept the following submission and further submissions:

- 130.49** **Tourism Industry Assn NZ**
- F020.11* *Ecology Watch Kaikoura*
- F020.14* *Ecology Watch Kaikoura*

Reject the following submission:

- 112.16** **Ministry for the Environment**

c. Reason

1. 130.49 - Tourism Industry Assn NZ

Support for the objective is acknowledged.

2. 112.16 - Ministry for the Environment

To be consistent with the decision on 7.7 Issue 6

d. Amendments necessary

None.

44. 7.7.2 All Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.17	Ministry for the Environment	?	Delete all policies.
130.50	Tourism Industry Assn NZ	support	None sought.
100.13	Ecology Watch Kaikoura Ltd	oppose	Add new policy to provide for a range of visitor accommodation facilities.
<i>F020.12</i>	<i>Ecology Watch Kaikoura</i>	<i>oppose 112.17</i>	<i>The Plan should identify resource management issues and effects of tourism activities.</i>
<i>F030.07</i>	<i>W M Dowle</i>	<i>oppose 112.17</i>	<i>Future growth must be planned for, facilities, activities and accommodation.</i>
<i>F020.15</i>	<i>Ecology Watch Kaikoura</i>	<i>support 130.50</i>	<i>The Plan should identify resource management issues and effects of tourism activities, in particular provision of accommodation.</i>

b. Decision

Accept the following submission and further submission:

- 130.50 Tourism Industry Assn NZ**
- F020.12 Ecology Watch Kaikoura***

Reject the following submissions:

- 112.17 Ministry for the Environment**
- 100.13 Ecology Watch Kaikoura Ltd**

c. Reason

1. 130.50 - Tourism Industry Assn NZ

Support for the policies is acknowledged.

2. 112.17 - Ministry for the Environment

To be consistent with the decision on 7.7 Issue 6

3. 100.13 - Ecology Watch Kaikoura Ltd

It is considered unnecessary to include a new policy as 7.7.2 Policy 1 already provides for a range of visitor accommodation facilities.

d. Amendments necessary

None.

45. 7.7.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.12	Ecology Watch Kaikoura Ltd	oppose	Amend policy 3 to read: " To provide for the need.....visitors whilst avoiding, remedying or mitigating adverse effects.....environment and in particular the infrastructure of the District."
<i>F004.16</i>	<i>M & J Syme</i>	<i>support</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Reject the following submission and further submission:

100.12 Ecology Watch Kaikoura Ltd
F004.16 M & J Syme

c. Reason

It is considered unnecessary to amend the policy as suggested, as the existing wording is well worded and provides clarity and certainty to plan users.

d. Amendments necessary

None.

46. 7.7.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.14	Ecology Watch Kaikoura Ltd	oppose	Add new method: "4. Resource consents to assess the effects of tourist accommodation on the environment on a site specific basis, including the effects of servicing on existing public infrastructure."
<i>F004.17</i>	<i>M & J Syme</i>	<i>support</i>	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>

b. Decision

Accept the following submission and further submission:

100.14 **Ecology Watch Kaikoura Ltd**
F004.17 *M & J Syme*

c. Reason

It is considered appropriate to include the suggested method for the following reasons:

- (i) It will be consistent with the rest of the Plan in that resource consent for visitor accommodation activities will be required in certain zones where these activities have not been categorise as permitted activities.
- (ii) It will provide clarity and improves certainty to plan users as to how the objective and policies will be given effect to.

d. Amendments necessary

Add the following under 7.7.3 Implementation Methods as a new implementation method 2 and renumber accordingly:

" 2. *Resource consents to assess the effects of visitor accommodation on the environment on a site specific basis, including the effects of servicing on existing public infrastructure.*"

47. 7.7.3 Method 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.51	Tourism Industry Assn NZ	support	Amend to read: ".. to allow for accommodation activities in all zones based on an assessment of their effects."
<i>F020.16</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The Plan should identify resource management issues and effects of tourism activities, in particular provision of accommodation.</i>

b. Decision

Reject the following submission and further submission:

130.51 Tourism Industry Assn NZ
F020.16 Ecology Watch Kaikoura

c. Reason

It is considered inappropriate to amend the method as suggested for the following reasons:

- (i) In order to be consistent with other decisions made in this regard.
- (ii) Allowing for accommodation activities in *all* zones, as suggested by the submitter, would negate the need for zoning altogether. It is considered that zoning is a necessary form of avoiding adverse effects by co-locating activities that have similar effects. It is noted that visitor accommodation activities have been controlled, through zoning, on the basis of their potential effects. In this respect, the controls are effects based, and the method is therefore retained as is.

d. Amendments necessary

None.

48. 7.7.3 Method 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.52	Tourism Industry Assn NZ	support	Define "to pay for the impacts"
<i>F020.17</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The Plan should identify resource management issues and effects of tourism activities, in particular provision of accommodation.</i>

b. Decision

Accept the following submission and further submission **in part**:

130.52 **Tourism Industry Assn NZ**
F020.17 *Ecology Watch Kaikoura*

c. Reason

The submitter’s concern regarding uncertainty is acknowledged. However, it is considered more appropriate to replace the word “impacts” with the word “effects”, as this will be more consistent with the rest of the Plan and Part II of the Act. It is considered that the amendment will provide clarity and improves certainty to plan users that those who cause the need for infrastructure and benefit from that infrastructure will fund the cost associated therewith.

d. Amendments necessary

Amend 7.7.3 Implementation Method 2 to read as follows:

“ ...to pay for the *effects* on critical...”.

49. 7.7.3 Method 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
130.53	Tourism Industry Assn NZ	support	None sought.
<i>F020.18</i>	<i>Ecology Watch Kaikoura</i>	<i>support</i>	<i>The Plan should identify resource management issues and effects of tourism activities, in particular provision of accommodation.</i>

b. Decision

Accept the following submission and further submission:

130.53 Tourism Industry Assn NZ

F020.18 Ecology Watch Kaikoura

c. Reason

Support for the method is acknowledged.

d. Amendments necessary

None.

50. 7.7 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.15	Ecology Watch Kaikoura Ltd	oppose	Amend first paragraph to acknowledge that an increase in facilities may encourage visitors, leading to economic benefits; and the concern of the effects of increased numbers on services, and that site specific reticulated services may be a sustainable option.
112.18	Ministry for the Environment	oppose	Delete Explanation and Reasons.
F035.09	Tourism Industry Association	<i>partial support</i> 100.15	<i>Support the comments on economic benefits of tourism and site-specific reticulated services.</i>
F004.18	M & J Syme	<i>support</i> 100.15	<i>The thrust of the submission makes good planning sense. Kaikoura will need more accommodation in the future.</i>
F020.13	Ecology Watch Kaikoura	<i>oppose</i> 112.18	<i>The Plan should identify resource management issues and effects of tourism activities.</i>

b. Decision

Accept the following submission and further submissions **in part**:

100.15 **Ecology Watch Kaikoura Ltd**
F035.09 **Tourism Industry Association**
F004.18 **M & J Syme**
F020.13 **Ecology Watch Kaikoura**

Reject the following submission:

112.18 **Ministry for the Environment**

c. Reason

1. 100.15 - Ecology Watch Kaikoura Ltd

The submission is accepted in part to the extent that the paragraph has been amended to incorporate some of the suggested wording, as it provides clarity and improves certainty. However, it is considered inappropriate to acknowledge that “site-specific independent services” may be sustainable, as it may equally be unsustainable and is not a given. In addition, it is noted that provision has been made elsewhere in the Plan for the assessment of alternative methods of servicing where the inability to connect to Council’s reticulated systems exists.

2. 112.18 - Ministry for the Environment

The submission is rejected in order to be consistent with other related decisions.

d. Amendments necessary

Amend the first paragraph of the Explanation and Reasons under 7.7 Issue 6 to read as follows:

*“ Visitor accommodation is ... for all different needs. **Providing an increase in the range of facilities may encourage visitors throughout the year, reducing dependence on seasonal peaks. This has economic benefits for the District.** However, accommodation...need to be undertaken **in a manner which ensures these effects are avoided, remedied or mitigated.** Of particular concern is the effect of increased short-term populations on services. **The plan defines visitor accommodation...**”*

51. 7.8 Anticipated Environmental Results

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
100.16	Ecology Watch Kaikoura Ltd	oppose	Add two new results under point 3: "- Range of visitor accommodation, including facilities in locations outside urban areas; - Independently serviced visitor accommodation."
130.54	Tourism Industry Assn NZ	?	Include in the list the role tourism could play in achieving these anticipated environmental results.

b. Decision

Accept in part the following submission in part:

100.16 Ecology Watch Kaikoura Ltd

Reject the following submission:

130.54 Tourism Industry Assn NZ

c. Reason

1. 100.16 - Ecology Watch Kaikoura Ltd

The submission is accepted in part to the extent that it is considered appropriate to include a new result to provide clarity and improves certainty to plan users that a range of visitor accommodation facilities is desirable. However, in order to be consistent with other related decisions, it is not considered appropriate to include the suggested result relating to independently serviced visitor accommodation.

2. 130.54 - Tourism Industry Assn NZ

It is considered inappropriate to include tourism's role in achieving these results, as it is too specific and does not result directly from provisions contained in the Plan.

d. Amendments necessary

Add the following under 7.8 Anticipated Environmental Results 3:

“ *increases the range of available visitor accommodation.*”

52. General

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
071.05	Patrick Hampton	support	Offer Quality tourism operators rate relief as you seek to offer rate relief to landowners.
130.23	Tourism Industry Assn NZ	?	TIA requests that the Council and other interested investigate the development of Green Globe 21 destination status for Kaikoura.
130.24	Tourism Industry Assn NZ	?	TIA seeks recognition by Local Government and its processes (akin to offering rate relief to landowners) for those tourism companies achieving the Quality Tourism Standard in their product.

b. Decision

Reject the following submissions:

071.05	Patrick Hampton
130.23	Tourism Industry Assn NZ
130.24	Tourism Industry Assn NZ

c. Reason

1. 071.05 – Patrick Hampton

It is considered inappropriate to provide for rate relief as sought, as rate relief is offered in terms of the Environmental Policy as an incentive, or a type of compensation, for maintaining or enhancing conservation and landscape values. It is considered that the type of rate relief sought in the above submission is better dealt with through Council's Annual Plan.

2. 130.23 & 130.24 - Tourism Industry Assn NZ

It is considered inappropriate to provide the relief as sought, as it does not relate to resource management under the Act and is better dealt with as an initiative through the Tourism Strategy.

d. Amendments necessary

None.

53. New Provision

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
130.31	Tourism Industry Assn NZ	n/a	TIA seeks the definition and inclusion in the Proposed Plan of the objectives, roles and key stakeholders in the development of a Tourism Management Strategy for Kaikoura.

b. Decision

Reject submission **130.31 Tourism Industry Assn NZ**

c. Reason

It is considered inappropriate to provide the relief as sought, as it does not relate to resource management under the Act and is better dealt with as an initiative through the Tourism Strategy.

d. Amendments necessary

None.

PROPOSED KAIKOURA DISTRICT PLAN



DECISIONS

Section 8 – Natural Hazards

November 2005

Section 8: Natural Hazards

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1. 8.1(a) Flooding

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.28	Canterbury Regional Council	oppose	Amend the third bullet point by substituting the second 'highway' to 'railway' so that the sentence reads "... South Island Main Trunk Railway"

b. Decision

Accept submission **132.28 Canterbury Regional Council**

c. Reason

The amendment will correct a typographical error.

d. Amendments necessary

Amend third bullet point under 8.1(a) Flooding to read:

“ ...*South Island Main Trunk **Railway**...*”

2. 8.1(b) Coastal

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.29	Canterbury Regional Council	oppose	Delete 'Hazard' from the first line and replace with 'threats'.

b. Decision

Accept submission **132.29 Canterbury Regional Council**

c. Reason

It is considered more appropriate to use the word “threat”, as the word “hazard” in this context is misleading and technically incorrect.

d. Amendments necessary

Replace “hazard” on the first line under 8.1(b) Coastal with “*threat*”.

3. 8.1(c) Earthquakes

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.30	Canterbury Regional Council	oppose	Delete the word 'Hazard' in the second line after the bullet points.

b. Decision

Accept submission **132.30 Canterbury Regional Council**

c. Reason

It is considered appropriate to delete the word “hazard”, as the use of the phrase “hazard risk” is a double positive, i.e. a hazard is a risk.

d. Amendments necessary

Delete the word “hazard” in the second line of the first sentence after the bullet points under 8.1(c) Earthquakes.

4. 8.1 Introduction

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.27	Canterbury Regional Council	oppose	Delete ‘hazard’ from the first line and replace with ‘hazard events’, and delete ‘hazard’ from the third line and replace with ‘threats’.
132.36	Canterbury Regional Council	oppose	Amend to read: "The District Council and Environment Canterbury both have functions for avoiding or mitigating natural hazards in the District."

b. Decision

Accept the following submission:

132.36 **Canterbury Regional Council**

Accept the following submissions **in part**:

132.27 **Canterbury Regional Council**

c. Reason

1. 132.36 - Canterbury Regional Council

It is considered appropriate to provide the relief as sought for the following reasons:

- (i) It is consistent with the definition of “natural hazard” in the Act, which makes it clear that a hazard is an effect. It is therefore considered unnecessary to refer to “avoiding or mitigating the effects” of natural hazards.
- (ii) The amendment is consistent with the Canterbury Regional Policy Statement.
- (iii) The amendment is consistent with other decisions in this regard.

2. 132.27 - Canterbury Regional Council

The submission is accepted in part to the extent that the word “events” is more accurate than simply “hazards”. However, it is considered that the use of the terms “hazard” in the second sentence is more appropriate than the word “threat”, since over exposure to sunlight is not considered a potential effect but an actual effect.

d. Amendments necessary

- 1. **Delete** “hazards” and replace with “*hazard events*” in the first line under 8.1 Introduction.
- 2. **Amend** the third paragraph under 8.1 Introduction to read as follows:

“The District Council and the Regional Council both have functions for avoiding or mitigating natural hazards in the District.”

3. As a consequential amendment, amend the first sentence of the third paragraph under 8.2 Explanation and Reasons to read As follows:

“The District Council and the Regional Council both have functions for avoiding or mitigating natural hazards in the District.”

5. 8.2 Issue 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.38	Canterbury Regional Council	support	Amend to read: "Natural Hazards can result in loss of life and damage to assets and infrastructure."

b. Decision

Accept submission **132.38 Canterbury Regional Council**

c. Reason

It is considered appropriate to provide the relief as sought for the following reasons:

- (i) It is consistent with the definition of “natural hazard” in the Act, which makes it clear that a hazard is an effect. It is therefore considered unnecessary to refer to “avoiding or mitigating the effects” of natural hazards.
- (ii) The amendment is consistent with the Canterbury Regional Policy Statement.
- (iii) The amendment is consistent with other decisions in this regard.

d. Amendments necessary

Amend 8.2 Issue 1 to read as follows:

“Natural hazards can result in loss of life and damage to assets and infrastructure.”

6. 8.2.1 Objective 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.40	Canterbury Regional Council	oppose	Delete "reduce" and replace with "mitigate".

b. Decision

Accept submission **132.40 Canterbury Regional Council**

c. Reason

The term “mitigate” as suggested is considered more consistent with the Act, the Canterbury Regional Policy Statement and the rest of the Plan.

d. Amendments necessary

Replace “reduce” in 8.2.1 Objective 1 with “*mitigate*”.

7. 8.2.2 Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.59	Canterbury Regional Council	n/a	Add new policy: "To discourage utility lifelines such as communication and powerline support structures, from locating in the highest risk flood hazard areas where they may fail to provide essential communication or power during a flood event."

b. Decision

Accept submission **132.59 Canterbury Regional Council**

c. Reason

It is considered to be within the functions of the Council to discourage lifeline utilities from locating in high risk areas, as this could affect the safety and well-being of people and their communities (section 5 of the Act). This submission is however accepted in part to the extent that a new policy has been added to 8.3.2, as it is considered that the policy will give better effect to objective 1 under Issue 2, which deals specifically with flooding.

d. Amendments necessary

1. **Add** the following new Policy under 8.3.2:

“6. To discourage utility lifelines such as communication and powerline support structures, from locating in the highest risk flood hazard areas where they may fail to provide essential communication during flood events.”

2. As a **consequential amendment**, **add** the following at the end of Explanation and Reasons under 8.3:

“Essential utilities such as power and communications, which locate in hazard-prone areas may fail during hazard events, which is when they would be most needed. To ensure that such lifeline services have the least risk of failure, it is important that they are discouraged from locating in high-risk areas.”

8. 8.2.3 Implementation Methods

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.64	Royal Forest & Bird Protection Society of NZ	?	Add new method - refer to the consideration of natural hazard issues/policies when deciding on consent applications, and they will not be granted to activities likely to cause, accelerate or worsen damage to land or structures by erosion, etc.
F011.09	Transpower	oppose	<i>It is inappropriate to suggest that maintenance should be non-complying.</i>
F023.01.64	R & J King	oppose	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
F010.11.64	Federated Farmers (East Coast)	oppose	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
F030.01.64	W M Dowle	oppose	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
F005.02.64	Simon Chaffey	oppose	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
F009.01.64	Fed Farmers (NZ)	oppose	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
F028.02.64	Sandy Chaffey	oppose	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
F004.84.64	M & J Syme	oppose	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>

b. Decision

Reject the following submission:

129.64 Royal Forest & Bird Protection Society of NZ

Accept the following further submissions:

<i>F011.09</i>	<i>Transpower</i>
<i>F023.01.64</i>	<i>R & J King</i>
<i>F010.11.64</i>	<i>Federated Farmers (East Coast)</i>
<i>F030.01.64</i>	<i>W M Dowle</i>
<i>F005.02.64</i>	<i>Simon Chaffey</i>
<i>F009.01.64</i>	<i>Fed Farmers (NZ)</i>
<i>F028.02.64</i>	<i>Sandy Chaffey</i>
<i>F004.84.64</i>	<i>M & J Syme</i>

c. Reason

It is considered unnecessary to provide the relief as sought, as it is already provided for in 8.2.3.Implementation Method 2 and the assessment matters in section 25 of the Plan.

d. Amendments necessary

None.

9. 8.2.3 Method 3(e)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.25	Canterbury Regional Council	oppose	Amend to read: "In conjunction with Environment Canterbury to ensure that response procedures are in place to mitigate natural emergencies."

b. Decision

Accept submission **132.25 Canterbury Regional Council**.

c. Reason

It is considered appropriate to provide the relief as sought for the following reasons:

- (i) It is consistent with the definition of “natural hazard” in the Act, which makes it clear that a hazard is an effect. It is therefore considered unnecessary to refer to “avoiding or mitigating the effects” of natural hazards.
- (ii) The amendment is consistent with the Canterbury Regional Policy Statement.
- (iii) The amendment is consistent with other decisions in this regard.

d. Amendments necessary

Amend 8.2.3 Implementation Method 3(e) to read as follows:

“ In conjunction with the Regional Council, to ensure that emergency response procedures are in place to mitigate natural emergencies.”

10. 8.2 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.31	Canterbury Regional Council	oppose	Delete ‘Hazards’ and replace with ‘hazard events’ in the first line of the first paragraph.
132.32	Canterbury Regional Council	oppose	Amend to read: "A natural hazard register will contain data and other information on areas at risk from natural occurrences in the District’.

b. Decision

Accept submission **132.31 Canterbury Regional Council**

Accept submission **132.32 Canterbury Regional Council in part**

c. Reason

1. 132.31 – Canterbury Regional Council

It is considered that the suggested wording is more appropriate, as it is consistent with the Canterbury Regional Policy Statement and other decisions made in this regard.

2. 132.32 – Canterbury Regional Council

The submission is accepted in part to the extent that the word “occurrences” has been replaced with the word “hazards” to ensure consistency with the rest of the Plan.

d. Amendments necessary

1. **Delete** “hazards” and replace with “*hazard events*” in the first line of the Explanation and Reasons under 8.2.

2. **Amend** the first sentence of the second paragraph of the Explanation and Reasons under 8.2 to read as follows:

“A natural hazards register will contain data and other information on areas at risk from natural hazards in the District.”

3. As a **consequential amendment**, **amend** the last sentence of the third paragraph of the Explanations and Reasons under 8.2 to read as follows:

“This requires that appropriate emergency response procedures are put in place to minimise the consequences of hazard events.”

11. 8.3 (Identification of Flood Prone Land)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.27	Fish & Game Council (Nelson/Marlborough)	support	None sought.

b. Decision

Accept submission **110.27 Fish & Game Council (Nelson/Marlborough)**

c. Reason

Support for the provision is acknowledged.

d. Amendments necessary

None.

12. 8.3 Issue 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.29	Fish & Game Council (Nelson/Marlborough)	n/a	Amend issue to read: "Flooding has the potential to adversely affect people, property and the environment generally".
132.39	Canterbury Regional Council	support	None sought.

b. Decision

Accept the following submission:

132.39 **Canterbury Regional Council**

Reject the following submission:

110.29 **Fish & Game Council (Nelson/Marlborough)**

c. Reason

1. 132.39 – Canterbury Regional Council

Support for the issue is acknowledged.

2. 110.29 - Fish & Game Council (Nelson/Marlborough)

It is considered inappropriate to amend the issue as suggested for the following reasons:

1. It is acknowledged that not all flood events are deemed to be natural hazards. Flooding is a natural occurrence, which can also have positive effects on the environment, for example the deposit of nutrients.

2. The Council's function in this respect under the Act is to avoid or mitigate effects on people and property in the District, and not to protect the "environment" in general from the effects of a flooding event.

d. Amendments necessary

None.

13. 8.3.1 Objective 1

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
110.30	Fish & Game Council (Nelson/Marlborough)	n/a	Amend to read: "To avoid loss of life, damage to assets, the environment, or infrastructure and disruption to the community as a result of flooding."

b. Decision

Reject submission 110.30 Fish & Game Council (Nelson/Marlborough)

c. Reason

It is considered inappropriate to amend the objective as suggested for the following reasons:

1. It is acknowledged that not all flood events are deemed to be natural hazards. Flooding is a natural occurrence, which can also have positive effects on the environment, for example the deposit of nutrients.
2. The Council's function under the Act in this respect is to avoid or mitigate effects on people and property in the District, and not to protect the "environment" in general from the effects of a flooding event.
3. To ensure consistency with other decisions made in this regard.

d. Amendments necessary

None.

14. 8.3.2 Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.31	Fish & Game Council (Nelson/Marlborough)	oppose	Add new policy: "To avoid, remedy or mitigate the effects of flood control activities on the natural character of rivers, lakes and their margins, aquatic habitats, water quality and amenity values."
010.44	Kaikoura District Council	n/a	Amend to correct the numbering sequence ie 1,2,3,4,5.
132.44	Canterbury Regional Council	oppose	Add a footnote at the bottom of page 64: "0.2% AEP (Annual Exceedence Probability) equates to a 10% chance in 50 years of a building or site being subject to inundation from a flood event."

b. Decision

Accept the following submissions:

- 010.44 Kaikoura District Council**
132.44 Canterbury Regional Council

Reject the following submission:

- 110.31 Fish & Game Council (Nelson/Marlborough)**

c. Reason

1. 101.44 – Kaikoura District Council

The amendment will correct a typographical error.

2. 132.44 – Canterbury Regional Council

It is considered appropriate to include the relief sought for the following reasons:

- (i) The footnote is consistent with the Canterbury Regional Policy Statement.
- (ii) The footnote is necessary to improve clarity and enhance certainty to plan users.
- (iii) It is consistent with other decisions made in this regard.

3. 110.31 - Fish & Game Council (Nelson/Marlborough)

It is considered inappropriate to add a new policy as suggested for the following reasons:

- (i) It is acknowledged that not all flood events are deemed to be natural hazards. Flooding is a natural occurrence, which can also have positive effects on the environment, for example the deposit of nutrients.

- (ii) The Council’s function under the Act in this respect is to avoid or mitigate effects on people and property in the District, and not to protect the “environment” in general from the effects of a flooding event.
- (iii) To ensure consistency with other decisions made in this regard.

d. Amendments necessary

- 1. **Renumber** policies under 8.3.2 sequentially.
- 2. **Add** the following footnote following 8.3.2:

“0.2% AEP (Annual Exceedance Probability) equates to a 10% chance in any 50 year period that a building or site will be inundated by flood waters.”

15. 8.3.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.41	Canterbury Regional Council	oppose	Amend to read: "To identify, where sufficient information exists, areas at risk of flooding from any source, and the degree of that risk."

b. Decision

Accept the following submissions:

132.41 Canterbury Regional Council

c. Reason

It is considered appropriate to provide the relief sought, as the amendment will provide clarity and improves certainty that all areas at risk are identified, not only those at a certain risk level. It is also considered that the precautionary approach to encompass all areas at risk is more consistent with the Canterbury Regional Policy Statement.

d. Amendments necessary

Amend 8.3.2 Policy 1 to read:

"To identify, where sufficient information exists, areas at risk of flooding from any source and the degree of that risk."

16. 8.3.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.42	Canterbury Regional Council	n/a	Add at the end of Policy 2: "...that have been identified in the Flood Hazard maps, or where the probability of flooding is greater than 0.2% AEP."
132.43	Canterbury Regional Council	n/a	Add at the end of Policy 3: "...that have been identified in the Flood Hazard maps, or where the probability of flooding is greater than 0.2% AEP."
132.45	Canterbury Regional Council	n/a	Amend second Policy 2 to read: "To mitigate the effects of flooding on buildings and people by providing for measures such as raised floor levels, setbacks from stopbanks and clear floodways."

b. Decision

Accept the following submissions:

132.42	Canterbury Regional Council
132.43	Canterbury Regional Council
132.45	Canterbury Regional Council

c. Reason

It is considered appropriate to provide the relief sought for the following reasons:

- (i) It will provide better clarification and greater certainty to plan users regarding the level of risk adopted by the Council and the Regional Council and how it should be interpreted.
- (ii) It will be consistent with the Canterbury Regional Policy Statement.
- (iii) It will be consistent with the 1:500 year event Flood Hazard Maps.

d. Amendments necessary

1. **Add** the following words at the end of the second and third Policy under 8.3.2:

"...that have been identified in the Flood Hazard Maps, or where the probability of flooding is greater than 0.2% AEP."

2. **Amend** the fourth Policy under 8.3.2 to read as follows:

"To mitigate the effects of flooding on buildings and people by providing for measures such as raised floor levels, setbacks from stopbanks, and clear floodways."

17. 8.3.3 Method 1(b)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.46	Canterbury Regional Council	oppose	Amend to read: "Where the Council does not possess sufficient information ... in terms of the specific nature of and likely effects of flooding on their properties."

b. Decision

Accept submission **132.46 Canterbury Regional Council**

c. Reason

It is considered appropriate to include the relief sought, as it more accurately relate to flooding.

d. Amendments necessary

Amend 8.3.3 Implementation Method 1(b) to read as follows:

*"where the Council does not...and likely effects of **flooding** on their properties."*

18. 8.3.3 Method 2(b)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.47	Canterbury Regional Council	oppose	Delete the words ‘and advocacy’.

b. Decision

Accept submission **132.47 Canterbury Regional Council**

c. Reason

It is considered appropriate to delete the words as sought, since there are no costs to developers for advocacy, and reference to advocacy in the Annual Planning context is therefore unnecessary.

d. Amendments necessary

Delete the words “and advocacy” from 8.3.3 Implementation Method 2(b).

19. 8.3 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.49	Canterbury Regional Council	oppose	Amend part of the paragraph commenting on - floods being unpredictable; gravel build-ups; expensive control measures; risks of protection; consider avoiding development; mitigation methods etc, and comment on the risk and economic benefits.

b. Decision

Accept submission **132.49 Canterbury Regional Council**

c. Reason

It is considered appropriate to include the relief sought, as it will provide better clarification and greater certainty that there is always residual risk, and that mitigation is often about minimising risk rather than risk avoidance.

d. Amendments necessary

Replace the second, third, fourth and fifth sentences of the Explanation and Reasons under 8.3 with the following:

“They are also somewhat unpredictable in the short term and subject to build-ups of gravel in the bed (agradation). Measures such as stopbanks, to control such rivers, are expensive to build and maintain and there is always a residual risk that the protection will fail or be overtopped. In comparison with these costs and residual risks, it is often preferable to avoid development altogether.

Sometimes potential damage may be mitigated sufficiently by locating buildings on higher ground or by raising sites or floor levels. In any case, development should always be set back from rivers or stopbanks, because the greatest risk to life and property exists in that proximity.

None of these considerations entirely rule out accepting some or all the risk of flood damage provided there is a benefit from doing so. If risk to life can be minimised and the economic benefit in periods between flood losses outweighs the risk of occasional damage, certain kinds of development might still be justified provided that the developers / occupiers are aware of the risk.”

20. 8.4 Issue 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.50	Canterbury Regional Council	oppose	Amend to read: "Coastal Erosion, tsunami, storm events, and salt-water...."

b. Decision

Accept submission **132.50 Canterbury Regional Council**

c. Reason

It is considered appropriate to include the suggested wording, as Kaikoura is particularly at risk from such events.

d. Amendments necessary

Amend 8.4 Issue 3 to read:

“ *Coastal erosion, **tsunami, storm events and** salt water inundation...*”

21. 8.4 Objective 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.51	Canterbury Regional Council	oppose	Amend to replace "coastal hazards" with "coastal events".

b. Decision

Accept submission **132.51 Canterbury Regional Council**

c. Reason

It is considered appropriate to provide the relief sought to ensure consistency throughout the Plan.

d. Amendments necessary

Replace “hazards” in 8.4.1 Objective 1 with “*hazard events*”.

22. 8.4.2 Policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
129.65	Royal Forest & Bird Protection Society of NZ	?	Add new policy 4: "To develop a hazard management strategy for sea level rise associated with global warming. Current medium estimates indicate a rise of between 10 and 45 cm over the next fifty years."
<i>F010.11.65</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.65</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.65</i>	<i>W M Dowle</i>	<i>oppose 129.65</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F021.08</i>	<i>Department of Conservation</i>	<i>support 129.65</i>	<i>In keeping with the precautionary principle and recognises effects of sea level rise.</i>
<i>F004.84.65</i>	<i>M & J Syme</i>	<i>oppose 129.65</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F023.01.65</i>	<i>R & J King</i>	<i>oppose 129.65</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F028.02.65</i>	<i>Sandy Chaffey</i>	<i>oppose 129.65</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.65</i>	<i>Simon Chaffey</i>	<i>oppose '129.65</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>
<i>F009.01.65</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.65</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>

b. Decision

Accept the following submission and further submissions **in part**:

129.65	Royal Forest & Bird Protection Society of NZ
<i>F010.11.65</i>	<i>Federated Farmers (East Coast)</i>
<i>F030.01.65</i>	<i>W M Dowle</i>
<i>F021.08</i>	<i>Department of Conservation</i>
<i>F004.84.65</i>	<i>M & J Syme</i>
<i>F023.01.65</i>	<i>R & J King</i>
<i>F028.02.65</i>	<i>Sandy Chaffey</i>
<i>F005.02.65</i>	<i>Simon Chaffey</i>
<i>F009.01.65</i>	<i>Fed Farmers (NZ)</i>

c. Reason

It is considered that while there is evidence to indicate that sea level rise is likely, this evidence is uncertain and conflicting as to be of little use in developing a hazard management strategy as suggested by the submitter. However, it is considered appropriate and useful to include a policy to the effect that Council will recognise the possibility of sea level rise, will monitor relevant predictions and research and will amend the Plan as necessary. Such a policy is considered consistent with the New Zealand Coastal Policy Statement, the Canterbury Regional Policy Statement and section 7 of the Act.

d. Amendments necessary

Add the following new Policy under 8.4.2:

“ *To recognise the possibility of sea level rise, to monitor predictions and research relating to sea level rise, and to vary or amend the District Plan as and when necessary so that effects of sea level rise are mitigated or avoided.*”

23. 8.4.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.61	Department of Conservation	support	Amend to read: "To avoid where practicable subdivision, use and development that increases exposure of people and property to coastal erosion hazards."
132.52	Canterbury Regional Council	oppose	Amend to read "To avoid subdivision...in areas subject to extreme coastal events".

b. Decision

Accept the following submission in part:

119.61 Department of Conservation

Reject the following submission:

132.52 Canterbury Regional Council

c. Reason

1. 119.61 – Department of Conservation

The submission is accepted in part to the extent that it expands the scope of the policy from just residential purposes. However, it is considered inappropriate to introduce the concept of "where practicable". It is considered better to err on the side of caution and to avoid "where practicable".

2. 132.52 – Canterbury Regional Council

It is considered inappropriate to provide the relief sought, as it changes the intent of Policy 1 from a more precautionary approach (natural hazards) to a less precautionary approach (extreme events). It considered prudent to err on the side of caution. The terminology is also consistent with previous decisions.

d. Amendments necessary

Amend 8.4.2 Policy 1 to read as follows:

" To avoid subdivision, use, and development that increases the risk to people and property from coastal hazard events."

24. 8.4.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.62	Department of Conservation	support	Replace "discourage" with "permit" and refer to new structures where they are the best option, and that new or replacement structures shall consider the abandonment or relocation of them in applications, and be designed to avoid adverse effects.

b. Decision

Accept submission **119.62 Department of Conservation**

c. Reason

It is considered appropriate to include the relief sought, as it is consistent with the New Zealand Coastal Policy Statement and provides better clarification and greater certainty to plan users.

d. Amendments necessary

Amend 8.4.2 Policy 2 to read as follows:

*“ To permit the establishment of new protection structures in the coastal environment **only where they are the best practicable option for the future and so that adverse effects are avoided to the extent practicable. When considering any application to renew or replace existing structures, the abandonment or relocation of those structures will be considered among the options.**”*

25. 8.4.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.53	Canterbury Regional Council	oppose	Amend to replace "coastal hazards" with "coastal events".
119.63	Department of Conservation	support	Amend to read: sand dunes and wetlands to.....coastal hazards and to recognise that some natural features may migrate inland as the result of dynamic coastal processes (including sea level rise)."

b. Decision

Accept the following submissions:

132.53 **Canterbury Regional Council**
119.63 **Department of Conservation**

c. Reason

1. 132.53 – Canterbury Regional Council

It is considered appropriate to include the relief sought to ensure consistency with other decisions and the rest of the Plan.

2. 119.63 – Department of Conservation

It is considered appropriate to amend the policy as sought, as it provides clarification and will ensure consistency with the New Zealand Coastal Policy Statement.

d. Amendments necessary

Amend 8.4.2 Policy 3 to read as follows:

“ *To recognise and enhance the ability of natural features such as **hard rock shorelines, beaches, sand dunes and wetlands** to protect the built environment from coastal hazard events and to recognise that some natural features may migrate inland as the result of dynamic coastal process (including sea level rise).*”

26. 8.4.3 Implementation Methods

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
129.66	Royal Forest & Bird Protection Society of NZ	n/a	Add new method: "Council will work with the Canterbury Regional Council to define and map coastal hazard zones, and avoid the need for hazard protection works by discouraging permanent structures and capital intensive development within these areas."
<i>F010.11.66</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 129.66</i>	<i>Amendments & actions are excessive - practicalities of enforcement make the whole thing impossible.</i>
<i>F030.01.66</i>	<i>W M Dowle</i>	<i>oppose 129.66</i>	<i>Submission is mostly restrictive, unrealistic & unjustifiable. proposed changes would make farming impossible.</i>
<i>F023.01.66</i>	<i>R & J King</i>	<i>oppose 129.66</i>	<i>Requests are unreasonable and socialistic and do not add value or improvement to the environment.</i>
<i>F009.01.66</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 129.66</i>	<i>Decisions, requests and actions sought are generally unjustifiable, unreasonable, overly restrictive, onerous and beyond the scope of the RMA.</i>
<i>F004.84.66</i>	<i>M & J Syme</i>	<i>oppose 129.66</i>	<i>F & B submissions are overly restrictive and in many cases unrealistic adding to the bureaucracy.</i>
<i>F028.02.66</i>	<i>Sandy Chaffey</i>	<i>oppose 129.66</i>	<i>The decisions sought are generally unjustifiable, restrictive, onerous beyond the scope & intent of the RMA, unreasonable and unrealistic.</i>
<i>F005.02.66</i>	<i>Simon Chaffey</i>	<i>oppose 129.66</i>	<i>The decisions, requests and actions sought are unjustifiable, restrictive and onerous beyond the scope of the RMA.</i>

b. Decision

Reject the following submission:

129.66 Royal Forest & Bird Protection Society of NZ

Accept the following further submissions:

F010.11.66 Federated Farmers (East Coast)

<i>F030.01.66</i>	<i>W M Dowle</i>
<i>F023.01.66</i>	<i>R & J King</i>
<i>F009.01.66</i>	<i>Fed Farmers (NZ)</i>
<i>F004.84.66</i>	<i>M & J Syme</i>
<i>F028.02.66</i>	<i>Sandy Chaffey</i>
<i>F005.02.66</i>	<i>Simon Chaffey</i>

c. Reason

It is considered unnecessary to include a new method as suggested, as the Regional Council has already mapped hazard lines in their Proposed Regional Coastal Environment Plan. It is not considered a cost effective option to duplicate this in the District Plan, as any amendments to the Regional Coastal Environment Plan would necessitate amendments to the District Plan with unnecessary cost implications to the community.

d. Amendments necessary

None.

27. 8.4.3 Method 4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.48	Canterbury Regional Council	oppose	Delete the words ‘relevant provisions’ and replace with ‘rules’.

b. Decision

Accept submission **132.48 Canterbury Regional Council in part.**

c. Reason

The submission is accepted in part to the extent that the words “including rules” have been added to provide greater certainty. It is not considered appropriate to replace the words “relevant provisions”, as this include provisions other than rules. It is therefore considered necessary to retain the words “relevant provisions”.

d. Amendments necessary

Amend 8.4.3 Implementation Method (4) to read as follows:

“ *Avoid duplication of relevant provision, **including rules**, in the ...”.*

28. 8.4 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.54	Canterbury Regional Council	oppose	Add comment that NZCPS Policy 3.4.6 protection works should only be permitted where they are the best practicable option.

b. Decision

Accept submission 132.54 Canterbury Regional Council in part

c. Reason

It is noted that the relief sought has already been provided for in policy 2. However, the submission is accepted in part to the extent that it is considered appropriate to create a link between the policy and the New Zealand Coastal Policy Statement (NZCPS), as it will provide greater clarification and certainty when read in that context. It is however considered unnecessary to refer to the exact provision of the NZCPS, as changes to the NZCPS would necessitate changes to the Plan with cost implications to the community.

d. Amendments necessary

1. **Add** the following sentence after the second sentence in the Explanation and Reasons under 8.4:
“Such structures should only be established when they are the best practicable option”
2. **Add** the following sentence after the last sentence in the Explanation and Reasons under 8.4:
“This is consistent with the direction taken by the New Zealand Coastal Policy Statement.”

29. 8.5.2 Policy

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.33	Fish & Game Council (Nelson/Marlb)	oppose	Include policy to control land disturbance where there is likelihood of sediment entering water.
<i>F021.67</i>	<i>Department of Conservation</i>	<i>partial support</i>	<i>Support to the extent that it compliments regional policy rather than overlaps with it.</i>
V14.04	Marlborough Lines Ltd	support	Supports the variation, but clarify that "infrastructure" includes utilities.
V20.03	Department of Conservation		Delete the proposed amendment to Policy 8.5.2.
V22.03	Canterbury Regional Council		Delete the proposed amendment to Policy 8.5.2. Make any other consequential amendments to explain or give effect to this change.
VFS 3.09	Whale Watch Kaikoura Ltd	<i>oppose in part V20.03</i>	<i>If there is a concern with it applying to the whole district, then Whale Watch seek that the policy in the variation be retained at least in respect of the KPTZ.</i>
VFS 3.10	Whale Watch Kaikoura Ltd	<i>oppose in part V22.03</i>	<i>If there is a concern with it applying to the whole district, then Whale Watch seek that the policy in the variation be retained at least in respect of the KPTZ.</i>
VFS 5.03	Mainpower NZ Ltd	<i>support V14.04</i>	

b. Decision

Accept the following submissions and further submissions **in part**

- 110.33** **Fish & Game Council (Nelson/Marlb)**
- F021.67* *Department of Conservation*
- V14.04** **Marlborough Lines Ltd**
- VFS 3.09* *Whale Watch Kaikoura Ltd*
- VFS 3.10* *Whale Watch Kaikoura Ltd*
- VFS 5.03* *MainPower NZ Ltd*

Reject the following submissions:

- V20.03** **Department of Conservation**
- V22.03** **Canterbury Regional Council**

c. Reason

1. 110.33 Fish & Game Council (Nelson/Marl)

The submission is accepted in part to the extent that the objective, and not the policy, has been amended to accommodate the relief sought. This is considered necessary as the submission raised the awareness that the objective is not consistent with the purpose of the Act, as it is unclear and creates confusion. As proposed, the objective could be interpreted such that development and subdivision on unstable land is prohibited. This is clearly not the purpose of the objective, as is evident from the Implementation Methods, Explanation and Reasons, and Anticipated Environmental Results, which clearly provide an opportunity for the assessment of effects. The broader objective is therefore considered a more effective and efficient method of achieving the purpose of the Act, as it is more effects based. It is also consistent with the Canterbury Regional Policy Statement and the New Zealand Coastal Policy Statement. In addition, it will provide better clarification and improves certainty that it is the adverse effects on assets and infrastructure etc. that are to be avoided and that development and subdivision on unstable land as such are not prohibited, but can be allowed if adverse effects can be avoided, remedied or mitigated.

2. V14.04 - Marlborough Lines Ltd

The submission is accepted in part to the extent that support for the policy is acknowledged. It is rejected in part to the extent that it is considered self explanatory that infrastructure and assets include “utilities”.

3. V20.03 – Department of Conservation

V22.03 – Canterbury Regional Council

The submissions are rejected for the following reasons:

- (i) The amended policy will provide better clarification and improves certainty that it is the adverse effects on assets and infrastructure, etc. that are to be avoided and not development and subdivision per se.
- (ii) Appropriate development and subdivision on unstable land as such are not prohibited, but can be allowed if adverse effects can be avoided, remedied or mitigated.
- (iii) The amended policy will provide the necessary link between the Objective and the Implementation Methods, Explanation and Reasons, and Anticipated Environmental Results.
- (iv) The amended policy is more appropriate in giving effect to the objective.
- (v) The amended policy is effects based and is therefore consistent with the Act.

d. Amendments necessary

1. Amend 8.5.1 Objective 1 to read as follow:

“To avoid or mitigate adverse effects such as damage to assets or infrastructure, disruption to the community, loss of life, or sedimentation, as a result of development on unstable land.”

30. 8.5.3 Explanations and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
V20.04	Department of Conservation		Delete the proposed amendment to the Explanation and Reasons.
V22.04	Canterbury Regional Council		Delete the proposed amendment to the Explanation and Reasons. Make any other consequential amendments to explain or give effect to this change.
VFS 3.11	<i>Whale Watch Kaikoura Ltd</i>	<i>Oppose in part V20.04</i>	<i>If there is a concern with it applying to the whole district, then Whale Watch seek that the policy in the variation be retained at least in respect of the KPTZ.</i>
VFS 3.12	<i>Whale Watch Kaikoura Ltd</i>	<i>Oppose in part V22.04</i>	<i>If there is a concern with it applying to the whole district, then Whale Watch seek that the policy in the variation be retained at least in respect of the KPTZ.</i>

b. Decision

Reject the following submissions:

V20.04 **Department of Conservation**
V22.04 **Canterbury Regional Council**

Accept further submissions:

VFS 3.11 ***Whale Watch Kaikoura Ltd***
VFS 3.12 ***Whale Watch Kaikoura Ltd***

c. Reason

The submissions are rejected in order to ensure consistency with the decisions on 8.5.2 above.

d. Amendments necessary

None.

31. 8.6.1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.33	Canterbury Regional Council	oppose	Delete 'hazard' in the second line.

b. Decision

Reject submission **132.33 Canterbury Regional Council**

c. Reason

The submission is rejected to ensure consistency with other decisions and the rest of the Plan.

d. Amendments necessary

Replace “occurrences” in 8.6.1 Anticipated Environmental Results 1 with “events”.

32. 8.6.4

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
132.34	Canterbury Regional Council	?	Delete 'Hazard' and replace with 'occurrences' in the first line.

b. Decision

Reject submission **132.34 Canterbury Regional Council**

c. Reason

The submission is rejected to ensure consistency with other decisions and the rest of the Plan.

d. Amendments necessary

Replace “hazards” in 8.6.1 Anticipated Environmental Results 4 with “hazard events”.

33. 8.7.1 General

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.18	Federated Farmers of NZ Inc	support	Retain.
132.57	Canterbury Regional Council	support	Retain.
<i>F030.29.18</i>	<i>W M Dowle</i>	<i>support 125.18</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F005.08.18</i>	<i>Simon Chaffey</i>	<i>support 125.18</i>	<i>This submissions is unrestrictive and realistic and imposes no financial burden.</i>
<i>F010. 01.18</i>	<i>Federated Farmers (East Coast)</i>	<i>support 125.18</i>	<i>Support.</i>

b. Decision

Accept the following submissions and further submissions:

125.18 **Federated Farmers of NZ Inc**
132.57 **Canterbury Regional Council**
F030.29.18 *W M Dowle*
F005.08.18 *Simon Chaffey*
F010.01.18 *Federated Farmers (East Coast)*

c. Reason

Support for the provision is acknowledged.

d. Amendments necessary

None.

34. 8.7.2 Activities

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.19	Federated Farmers of NZ Inc	support	Retain.
110.32	Fish & Game Council (Nelson/Marlborough)	oppose	Amend Rule 8.7.2 to the effect that in considering applications for controlled and restricted discretionary activities that Policies in section 8.3.2 as sought be included in the matters to which Council has reserved its discretion.
119.65	Department of Conservation	n/a	Amend Rule to the effect that in considering applications for controlled and restricted discretionary activities that Policies 8.4.2 1 to 4 be included in the matters to which Council has reserved its discretion.
<i>F010.01.19</i>	<i>Federated Farmers (East Coast)</i>	<i>support 125.19</i>	<i>Support.</i>
<i>F030.29.19</i>	<i>W M Dowle</i>	<i>support 125.19</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F005.08.19</i>	<i>Simon Chaffey</i>	<i>support 125.19</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>

b. Decision

Accept the following submission and further submissions:

125.19 **Federated Farmers of NZ Inc**
F010.01.19 *Federated Farmers (East Coast)*
F030.29.19 *W M Dowle*
F005.08.19 *Simon Chaffey*

Reject the following submissions:

110.32 **Fish & Game Council (Nelson/Marlborough)**
119.65 **Department of Conservation**

c. Reason

1. 125.19 – Federated farmers of NZ Inc

Support for the activities listed in the activity table is acknowledged.

2. 110.32 - Fish & Game Council (Nelson/Marlb) and 119.65 – Department of Conservation

It is considered unnecessary to amend the rules as suggested, as section 104 of the Act stipulates that the Council must have regard to the objectives and policies when assessing resource consents.

d. Amendments necessary

None.

35. 8.8.3 Exemption (8.7.3)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
131.21	NZ Historic Places Trust	oppose	Add a new paragraph: Archaeological sites are frequently located on coastal and river margins and can be exposed by natural hazards or affected by hazard protection works. See Chapter 15 for rules and protocols relating to archaeological sites."
132.56	Canterbury Regional Council	oppose	Add at the end of the sentence: "...than that legally established on May 10th 2000."
132.120	Canterbury Regional Council	oppose	Add text to refer to rules not having to apply to activities that is seaward of the Hazard 1 and Hazard 2 as per Proposed Regional Coastal Environment Plan.
132.121	Canterbury Regional Council	oppose	Add a footnote: "Please refer to Environment Canterbury for advice on whether consent is required in terms of the Regional Coastal Environment Plan."
<i>F010.14.21</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 131.21</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>

b. Decision

Accept the following submission and further submission:

132.121 **Canterbury Regional Council**
F010.14.21 *Federated Farmers (East Coast)*

Accept the following submissions **in part**:

132.56 **Canterbury Regional Council**
132.120 **Canterbury Regional Council**

Reject the following submission:

131.21 **NZ Historic Places Trust**

c. Reason

1. 132.121 – Canterbury Regional Council

It is considered appropriate to include the footnote as suggested, as it is consistent with the principle of integrated management, will provide clarification and will raise the awareness of plan users that the possibility exists that resource consents from another authority may be required.

2. 132.56 – Canterbury Regional Council

The submission is accepted in part to the extent that the provision has been amended to prevent incremental additions of 20m² to existing buildings within known flood hazard areas. However, it is considered necessary to amend the suggested wording to prevent unnecessary duplication of the phrase “legally established before 10 May 2000”. It is therefore considered that the wording as amended is more appropriate to provide the relief sought, as it will prevent confusion and provide greater certainty to plan users.

3. 132.120 – Canterbury Regional Council

It is considered appropriate to include an exemption along the lines suggested, in the interests of better integration of resource management functions and reducing duplication of consents required. However, to ensure consistency with other similar rules in the Plan, the exemption should only apply where consent has already been obtained from the Regional Council.

4. 131.21 – NZ Historic Places Trust

It is considered unnecessary to add a new paragraph as suggested, as it is already adequately covered in section 15 of the Plan will therefore not add any value to the Plan.

d. Amendments necessary

1. **Add** the following note at the end of section 8:

“ Please refer to the Regional Council for advice on whether consent is required in terms of the Proposed Regional Coastal Environment Plan.”

2. **Add** the following words at the end of the sentence in 8.7.3 Exemption:

“ ...increase by more than 20m² in total to prevent incremental increases.”

3. **Add** the following new provision at the end of section 8:

“ 8.7.4 Duplication of Consents

Except for sections 13, 20, and 21 of this Plan, no other sections of this Plan shall apply to any activity seaward of the Hazard 1 or Hazard 2 Lines indicated in the Proposed Regional Coastal Environment Plan, provided that the consent of the Regional Council has already been obtained.”

36. New Policy

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.64	Department of Conservation	n/a	Add "4. In considering applications for subdivision, use and development, in particular changes from more extensive rural activities to more intensive urban or residential development, to take into account the possibility of a future rise in sea levels."

b. Decision

Accept submission 119.64 Department of Conservation in part.

c. Reason

The submission is accepted in part to the extent that the addition of two new policies under 8.4.2 will go some way in providing the relief sought. It is considered unnecessary to provide another policy along the same lines.

d. Amendments necessary

None.

37. New Provision

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
113.06	Crown Public Health	n/a	Add new sub section/provisions for solar skin protection which will assist in creating safe and healthy environments.
113.07	Crown Public Health	n/a	As a consequence of the new provisions, add "over-exposure to the sun's UV radiation" to the definition of Natural hazards.
110.28	Fish & Game Council (Nelson/Marlborough)	n/a	Add a new rule to avoid the erection of structures within riparian zones of flood prone rivers and streams.
<i>F005.04</i>	<i>Simon Chaffey</i>	<i>oppose 110.28</i>	<i>New provisions are broad and have potential to require farmers to get consents for activities that are normal for farming.</i>
<i>F009.04</i>	<i>Fed Farmers (NZ)</i>	<i>oppose 110.28</i>	<i>The new provision is broad in scope and could require farmers to get consents for activities that are normal and fundamental for pastoral farming.</i>
<i>F010.17</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose 110.28</i>	<i>Impractical, more damage, and public put at inconvenience if farmers can't put up structures restricting stock movements.</i>
<i>F028.04</i>	<i>Sandy Chaffey</i>	<i>oppose 110.28</i>	<i>New provision is broad and may require farmers to get consents for normal farming activities.</i>
<i>F002.02</i>	<i>Telecom NZ</i>	<i>oppose 110.28</i>	<i>Request for blanket protection on all structures. Telecom can best balance location and design constraints.</i>

b. Decision

Accept the following submissions and further submissions:

113.06	Crown Public Health
113.07	Crown Public Health
<i>F005.04</i>	<i>Simon Chaffey</i>
<i>F009.04</i>	<i>Fed Farmers (NZ)</i>
<i>F010.17</i>	<i>Federated Farmers (East Coast)</i>
<i>F028.04</i>	<i>Sandy Chaffey</i>
<i>F002.02</i>	<i>Telecom NZ</i>

Reject the following submission:

110.28 Fish & Game Council (Nelson/Marlborough)

c. Reason

1. 113.06 & 113.07 - Crown Public Health

It is considered appropriate to provide the relief sought, as it is within Council’s function to avoid or mitigate natural hazards in the district. The amendment will be consistent with the rest of the Plan and other decisions made in this regard, such as the definition of natural hazards. It is considered that education and advocacy is the most appropriate way to give effect to the new objective and policies, therefore the amendments are aimed at non-regulatory methods.

2. 110.28 Fish & Game Council (Nelson/Marlborough)

It is considered unnecessary to include a new rule as suggested, as the Plan already contains such rules as introduced by other decisions.

d. Amendments necessary

Add the following new provisions in section 8, and renumber the other provisions accordingly:

“8.6 Issue 5 - Over Exposure to the Sun

The increasing and recognised risk of melanoma and skin cancer from over-exposure to the sun.

8.6.1 Objective 1

To avoid or mitigate adverse health effects on people from over-exposure to the sun.

8.6.2 Policies

- 1. To retain and enhance natural shade, such as trees, in public areas such as reserves and parks.*
- 2. To erect structures to provide shade in public areas where there is no shade from natural features.*
- 3. To encourage the use of protective measures such as hats and sunscreen.*

8.6.3 Implementation Methods

- 1. The provision of information and advice to visitors of the dangers of over-exposure to the sun.*
- 2. The addition of shady areas to provide relief for people from the sun’s rays.*

Explanation and reasons

Some 2000 New Zealanders die annually from melanoma of the skin. In addition, over 20 000 new cases of skin cancer are treated annually in New Zealand. It is estimated that 80% of all

skin cancers could be prevented if greater protection from the sun's UV rays was ensured. It is particularly important for places like Kaikoura, which have high visitor numbers, that visitors are aware of the potential harm caused by sunburn.

Shade protection in public places is an obvious part of the solution. The Council is well placed to take a broad pro-active approach to the serious public health issue. In addition, managing the use and development of resources to provide for the health and well-being of people and their communities is within the Council's functions under the Resource Management Act. People are encouraged to take responsibility for their own well-being, but Council recognises that facilities in public places can assist in hazard avoidance."

38. Table 8.7.2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.20	Federated Farmers of NZ Inc	support	Retain.
132.55	Canterbury Regional Council	oppose	Add a footnote at the bottom of the table: "0.2% AEP (Annual Exceedence Probability) equates to a 10% chance in 50 years of a building or site being subject to inundation from a flood event."
132.58	Canterbury Regional Council	oppose	Amend in Unrestricted Discretionary c) to read: "All Buildings and utility structures associated with the distribution of electricity and the transmitting of radiocommunications and telecommunications located within"
<i>F005.08.20</i>	<i>Simon Chaffey</i>	<i>support</i> <i>125.20</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F010.01.20</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i> <i>125.20</i>	<i>Support.</i>
<i>F030.29.20</i>	<i>W M Dowle</i>	<i>support</i> <i>125.20</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F002.01</i>	<i>Telecom NZ</i>	<i>oppose</i> <i>132.58</i>	<i>Blanket requirement for resource consent for all telecommunications structures.</i>

b. Decision

Accept the following submissions and further submissions:

125.20 **Federated Farmers of NZ Inc**
132.55 **Canterbury Regional Council**
132.58 **Canterbury Regional Council**
F005.08.20 *Simon Chaffey*
F010.01.20 *Federated Farmers (East Coast)*
F030.29.20 *W M Dowle*

Reject the following submission:

F002.01 *Telecom NZ*

c. Reason

1. 125.20 - Federated Farmers of NZ Inc

Support for the activity table is acknowledged.

2. 132.55 - Canterbury Regional Council

It is considered appropriate to add a note as suggested, as it will provide clarification and improve certainty.

3. 132.58 - Canterbury Regional Council

It is considered appropriate to provide the relief sought, as:

- (i) It will be consistent with other decisions made in this regard.
- (ii) It is considered essential to manage the effects of utilities in high-risk areas, given the risk of failure during hazard events.

d. Amendments necessary

1. Add the following note at the end of Table 8.7.2:

“0.2% AEP (Annual Exceedence Probability) equates to a 10% chance in 50 years of a building or site being subject to inundation from a flood event.”

2. Amend Table 8.7.2 - unrestricted discretionary activities (c) to read as follows:

“All buildings and utilities associated with the distribution of electricity and the transmission of telecommunication and radio-communication and their support structures, except for...”

39. Whole Section

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.60	Department of Conservation	support	Retain, except for specific provisions, see elsewhere.
132.24	Canterbury Regional Council	?	Review the use of the term "natural hazard". Passages like "effects of natural hazards" or "adverse effects of natural hazards" should be changed to "natural hazards".
132.26	Canterbury Regional Council	?	Where the term "natural hazard" is inappropriate it should be replaced with some other term, such as, "natural occurrence", "natural event", or "hazard event".

b. Decision

Accept the following submissions:

132.24 **Canterbury Regional Council**

132.26 **Canterbury Regional Council**

Accept the following submission in part:

119.60 **Department of Conservation**

c. Reason

1. 119.60 - Department of Conservation

The submission is accepted in part to the extent that the whole section is retained albeit amended as a result of submissions.

2. 132.24 & 132.26 - Canterbury Regional Council

The submissions are accepted in order to be consistent with other decisions made in this regard.

d. Amendments necessary

1. **Review** the use of the term "natural hazard". **Amend** passages like "effects of natural hazards" or "adverse effects of natural hazards" to read "natural hazards".

2. **Replace** the term "natural hazard" with another term, such as "natural occurrence", "natural event", or "hazard event", where appropriate.

PROPOSED KAIKOURA DISTRICT PLAN



DECISIONS

Section 9 – Hazardous Substances

November 2005

Section 9: Hazardous Substances

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1. 9.2.3 Implementation Methods/method 3(d)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.22	Federated Farmers of NZ Inc	oppose	None sought.
125.21	Federated Farmers of NZ Inc	oppose	Suggest the words "and where appropriate enforce" be deleted.
<i>F021.43</i>	<i>Department of Conservation</i>	<i>oppose</i>	<i>All users of hazardous substances should comply with all relevant codes etc - particular groups should not be exempted.</i>
<i>F030.29.21</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F010.01.21</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>
<i>F005.08.21</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.22</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F010.01.22</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>
<i>F005.08.22</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>

b. Decision

Accept the following submissions and further submissions:

- 125.22** **Federated Farmers of NZ Inc**
- 125.21** **Federated Farmers of NZ Inc**
- F030.29.21* *W M Dowle*
- F010.01.21* *Federated Farmers (East Coast)*
- F005.08.21* *Simon Chaffey*
- F030.29.22* *W M Dowle*
- F010.01.22* *Federated Farmers (East Coast)*
- F005.08.22* *Simon Chaffey*

Reject the following further submission:

- F021.43* *Department of Conservation*

c. Reason

It is acknowledged that that implementation method as proposed introduced unnecessary uncertainty into the Plan by implying that both codes of practice and the rules will be enforced. The submission is accepted, as codes of practice are considered voluntary methods, and the enforcement of regional rules is the role of the Regional Council.

d. Amendments necessary

Delete the words “*and where appropriate enforce*” from 9.2.3 Implementation Method 3(d).

2. 9.6 Exemptions

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
024.06	Ministry of Agriculture & Forestry	neutral	Amend 9.6.1 to read: "The storage of petrol or diesel for the purposes of farming, commercial forestry and intensive farming activities..."
107.01	Shell NZ Ltd	oppose	Add new provision to exempt service stations from the hazard substances rules and Schedule 1.
127.01	NZ Defence Force	n/a	Add new exemption 9.6.3: " The use of explosives, munitions and pyrotechnics by the New Zealand Defence Force is permitted in all zone subject to compliance with regulations made under section 75 of the Hazardous Substances and New Organisms Act 1996."
130.55	Tourism Industry Assn NZ	n/a	Include the term "tourism activities" in the exemptions for the storage of petrol or diesel in above ground tanks in the Rural Zone.
<i>F021.70</i>	<i>Department of Conservation</i>	<i>partially oppose 127.01</i>	<i>No regulations have been promulgated to date, and exemption does not address ecological aspects of using explosives.</i>

b. Decision

Accept the following submissions:

107.01 **Shell NZ Ltd**
127.01 **NZ Defence Force**

Reject the following submissions and further submission:

024.06 **Ministry of Agriculture & Forestry**
130.55 **Tourism Industry Assn NZ**
F021.70 ***Department of Conservation***

c. Reason

1. 107.01 – Shell NZ Ltd

It is considered appropriate to provide the exemption as suggested, as service stations operate under recognised code of practices. Duplication of additional controls by means of rules in the district plan is therefore considered unnecessary, as this exemption will not result in additional potential adverse effects.

2. 127.01 – NZ Defence Force

It is noted that the use of explosives is already exempted and governed by New Zealand Defence Force operational procedures and other legislation. It is therefore considered

appropriate to provide the exemption as suggested, as it is more complete, however with the exception of the reference to the HSNO Act, as it is already referred to in the note at the end of section 9.6.

3. 024.06 – Ministry of Agriculture & Forestry

The submission is rejected, as the storage of petrol and diesel associated with commercial forestry operations may result in potential adverse effects for the following reasons:

- (i) The large quantities involved.
- (ii) This type of fuel storage is usually temporary and often located in areas which would be sensitive to any potential spills.

The exemption as suggested is therefore not considered appropriate, in order to ensure that effects are avoided or mitigated.

4. 130.55 – Tourism Industry Assn NZ

It is considered inappropriate to provide the relief sought, as it is too wide ranging. In addition, it has been decided elsewhere not to define or include any specific rules for tourism activities. The submission is rejected in order to be consistent with those decisions.

d. Amendments necessary

1. Add the following exemption to 9.6

“9.6.3 Service Stations. Unless stated otherwise below, the storage limits specified in Schedule 1 do not apply to service stations provided that all of the following conditions are satisfied:

- a) service stations are a permitted activity in the zone in which they are to be located and;
- b) storage limits do not exceed the following quantities:
underground tanks: petrol - 100 000 litres maximum
diesel - 50 000 litres maximum
above ground tanks: LPG - 6 tonnes, single vessel storage
except that all other hazardous substances shall be limited to the quantities specified in Schedule 1
- c) tanks are designed, installed and operated in accordance with the following standards, and any subsequent amendment or replacement to these standards:
 - “Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems” (Dept of Labour & OSH)
 - “LP Gas Storage and Handling - siting of LP Gas automotive retail outlets” (supplement to AS1596 - 1989)

2. **Amend** 9.6.2 to read as follows:

“ The use of explosives, munitions and pyrotechnics by the New Zealand Defence Force is permitted in all zones subject to compliance with all other relevant regulations and subject to compliance with all NZDF operational procedures.”

3. 9.6.1(d)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.24	Federated Farmers of NZ Inc	oppose	Amend to read: "...Department of Labour or other New Zealand authority certified to approve such storage facilities".
<i>F005.08.24</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F010.01.24</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>
<i>F030.29.24</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>

b. Decision

Accept the following submissions and further submissions:

125.24 **Federated Farmers of NZ Inc**
F005.08.24 *Simon Chaffey*
F010.01.24 *Federated Farmers (East Coast)*
F030.29.24 *W M Dowle*

c. Reason

It is considered appropriate to extend the range of authorities to certify storage facilities, as it will provide greater clarification and more certainty to plan users.

d. Amendments necessary

Amend exemption 9.6.1(d) to read as follows:

“a model or type which has been certified by the Department of Labour, or any other New Zealand authority certified to approve such storage facilities.”

4. Schedule 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.25	Federated Farmers of NZ Inc	support	Retain.
<i>F030.29.25</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>
<i>F005.08.25</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F010.01.25</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>

b. Decision

Accept the following submission and further submissions:

125.25 **Federated Farmers of NZ Inc**
F030.29.25 *W M Dowle*
F005.08.25 *Simon Chaffey*
F010.01.25 *Federated Farmers (East Coast)*

c. Reason

Support for Schedule 1 is acknowledged.

d. Amendments necessary

None.

5. Schedule 1 Class 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
115.01	Caltex New Zealand Ltd	oppose	Amend to provide for the underground storage of class 3a and 3c liquids up to 30,000 litres as permitted activities.

b. Decision

Accept submission 115.01 Caltex New Zealand Ltd in part

c. Reason

The submission is accepted in part to the extent that the relief sought has been provided for under 9.6.1 Exemptions.

d. Amendments necessary

None.

6. Schedule 1 Class 7

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
024.07	Ministry of Agriculture & Forestry	neutral	Include the word "forestry" after agrichemical.

b. Decision

Accept submission **024.07 Ministry of Agriculture & Forestry**

c. Reason

It is considered appropriate to include forestry in the list of agrichemical applicants, as agrichemicals are also used for other types of forestry, such as protection and conservation forestry.

d. Amendments necessary

Amend the characteristics column for class 7 as follows:

*“Substances formulated specifically for **forestry**, agricultural and horticultural activities....”.*

7. General

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
114.04	Lynette Buurman	n/a	Public education and advice needs to be carried through to all types of waste management including domestic waste. Also need an emphasis on recycling of all types of waste, not just hazardous substances.
114.05	Lynette Buurman	n/a	Zero waste needs to be promoted on a far greater scale than in the past - needs to be taught to the community as a whole.

b. Decision

Accept the following submission:

114.04 Lynette Buurman

114.05 Lynette Buurman

c. Reason

It is considered appropriate to provide the relief sought for the following reasons:

- (i) Waste management is recognised as a highly desirable community outcome in the Long Term Council Community Plan
- (ii) It falls within the ambit of sustainable management
- (iii) It will encourage the avoidance of adverse effects on the environment under the Act
- (iv) It will assist Council in its role in terms of education and advocacy
- (v) It will provide clarity and improves certainty to plan users.

d. Amendments necessary

1. **Add** the following policy to section 18 (Residential Zones, 18.2.2); section 19 (Settlement Zones, 19.2.2); section 20 (Business Zones, 20.2.2); section 21 (Marine Facilities Zone, 21.2.2) and section 22 (Rural Zone, 22.2.2).

“To promote Council’s “Zero Waste” policy by promoting and encouraging the reduction, reuse and recycling of unwanted materials.”

2. **Add** the following implementation method to section 18 (Residential Zones); section 19 (Settlement Zones); section 20 (Business Zones); section 21 (Marine Facilities Zone); section 22 (Rural Zone) and section 23 (ORCLZ).

“Guidelines to promote and encourage the reduction, reuse and recycling of unwanted materials – refer to the Waste Management Guidelines - All Zones in Appendix G“

8. Whole section

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
125.23	Federated Farmers of NZ Inc	support	Retain, except amendments sought in submissions 125.21 and 125.24.
<i>F010.01.23</i>	<i>Federated Farmers (East Coast)</i>	<i>support</i>	<i>Support.</i>
<i>F005.08.23</i>	<i>Simon Chaffey</i>	<i>support</i>	<i>This submission is unrestrictive and realistic and imposes no financial burden.</i>
<i>F030.29.23</i>	<i>W M Dowle</i>	<i>support</i>	<i>This submission is supportive on ongoing production while preserving the environment and rural lifestyle.</i>

b. Decision

Accept the following submission and further submissions:

125.23	Federated Farmers of NZ Inc
<i>F010.01.23</i>	<i>Federated Farmers (East Coast)</i>
<i>F005.08.23</i>	<i>Simon Chaffey</i>
<i>F030.29.23</i>	<i>W M Dowle</i>

c. Reason

Support for the section is acknowledged.

d. Amendments necessary

As per other decisions on 125.21 and 125.24

PROPOSED KAIKOURA DISTRICT PLAN



DECISIONS

Section 10 – Utilities

November 2005

Section 10: Utilities

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1. 10.1 Introduction

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.01	Meteorological Services of NZ Ltd	support	Amend the first paragraph to read: "...radiocommunications, facilities for observing, recording, and communicating weather information, and transportation..." and any amendments as a consequence to give full effect to the relief sought in this submission.

b. Decision

Accept submission **120.01 Meteorological Services of NZ Ltd**

c. Reason

It is considered appropriate to include the suggested wording in the list of utilities for the purposes of clarity and certainty.

d. Amendments necessary

Amend the first paragraph under 10.1 Introduction to read as follows:

“ ...radiocommunications, **facilities for observing, recording, and communicating weather information, and transportation such as roads, railway lines, and airports.**”

2. 10.2.1 Objective 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.67	Department of Conservation	oppose	Amend to read: "To provide for the establishment, use and maintenance of utilities in a way that promotes sustainable management of natural and physical resources and avoids, remedies or mitigates adverse effects on the environment."
120.02	Meteorological Services of NZ Ltd	support	Amend to read: "...and maintenance and upgrading of utilities while..." and any amendments as a consequence to give full effect to the relief sought in this submission.

b. Decision

Accept submission **119.67 Department of Conservation**

Accept submission **120.02 Meteorological Services of NZ Ltd**

c. Reason

1. 119.67 – Department of Conservation

The objective is not considered “contrary” to Part II of the Act, however the submission is accepted, as it broadens the scope of the objective.

2. 120.02 - Meteorological Services of NZ Ltd

It is considered appropriate to provide the relief sought in order to ensure consistency with the rest of the Plan provisions, such as Performance standard 10.5.1(m).

d. Amendments necessary

Amend 10.2.1 Objective 1 to read as follows:

*“ To provide for the establishment, use, maintenance **and upgrading** of utilities **in a way that promotes sustainable management of natural and physical resources and which avoids, remedies or mitigates adverse effects on the environment.**”*

3. 10.2.2 Policy 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.34	Fish & Game Council (Nelson/Marlborough)	oppose	Include the habitats of trout and salmon as well as indigenous fauna, of public access to and along water bodies and on amenity values.
119.68	Department of Conservation	oppose	Amend to read: "...of utilities, including providing for the protection of areas identified..."
120.03	Meteorological Services of NZ Ltd	support	Any amendments as a consequence to give full effect to the relief sought in submission 120.02 for Provision 10.2.1 Objective 1.

b. Decision

Accept the following submissions:

110.34	Fish & Game Council (Nelson/Marlborough)
119.68	Department of Conservation
120.03	Meteorological Services of NZ Ltd

c. Reason

1. 110.34 – Fish & Game Council (Nelson/Marlborough)

Policy 1 lists certain matters of national importance under section 6 of the Act, which include public access but not trout and salmon. The submission is accepted in part to the extent that public access is included.

2. 119.68 – Department of Conservation

The submitter is correct in that the matters listed include only some of those from section 6. Policy 1 is amended to reflect this.

3. 120.03 - Meteorological Services of NZ Ltd

It is considered appropriate to provide the relief sought in order to ensure consistency with the rest of the Plan provisions.

d. Amendments necessary

Amend 10.2.2 Policy 1 to read as follows:

“ *To avoid...maintenance and upgrading of utilities, including effects on: public access; areas identified as possessing...*”

4. 10.2.2 Policy 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
122.04	Vodafone NZ Ltd	oppose	Amend by adding the words "and commercially" between the words "operationally" and "feasible".
<i>F031.04</i>	<i>MetService</i>	<i>support</i>	<i>MetService advocates the co-siting of utilities where practical and feasible.</i>

b. Decision

Reject the following submission and further submissions:

122.04 **Vodafone NZ Ltd**
F031.04 *MetService*

c. Reason

It is considered that the concerns raised by the submitter are valid, however Policy 2 only “encourages” co-location, rather than “require” co-location. The policy is considered as implying that the Council has a preference for co-location, but the word “encourage” recognises that there are considerations, including but not limited to commercial considerations, which extend beyond just the operational feasibility. Furthermore, it is noted that 10.3.2 Policy 2 takes into account economic costs when considering possible alternative locations for siting a utility. In light of this, it is considered that the suggested amendments to Policy 2 are unnecessary.

d. Amendments necessary

None.

5. 10.2.2 Policy 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.04	Meteorological Services of NZ Ltd	support	Any amendments as a consequence to give full effect to the relief sought in submission 120.02 for Provision 10.2.1 Objective 1.

b. Decision

Accept submission **120.04 Meteorological Services of NZ Ltd in part**

c. Reason

It is considered appropriate to provide the relief sought in order to ensure consistency with the rest of the Plan provisions.

d. Amendments necessary

Amend 10.2.2 Policy 3 to read as follows:

*“To avoid.... operation, maintenance **and upgrading** of utilities....”*

6. 10.2.3 Method 1

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.69	Department of Conservation	support	Retain but add new method (c) that protects areas having significant natural values from the effects of utilities by rules that avoid, remedies or mitigated.
120.05	Meteorological Services of NZ Ltd	support	Any amendments as a consequence to give full effect to the relief sought in submission 120.02 for Provision 10.2.1 Objective 1.

b. Decision

Accept the following submissions **in part**:

119.69	Department of Conservation
120.05	Meteorological Services of NZ Ltd

c. Reason

1. 119.69 – Department of Conservation

It is considered that a new method as proposed is unnecessary, as the protection of areas having significant natural values is adequately covered under existing 10.2.3 Implementation Method 1(b). It is considered that the wording of the method is clear enough in that resource consent will be required to assess any potential effects of utilities on the environment.

2. 120.05 – Meteorological Services of NZ Ltd

It is considered appropriate to provide the relief sought in order to ensure consistency with the rest of the Plan provisions.

d. Amendments necessary

Amend 10.2.3 Implementation Methods 1(a) to read as follows:

“..... *operation, maintenance and upgrading of utilities....*”

7. 10.2 Explanation and Reasons

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.06	Meteorological Services of NZ Ltd	support	Any amendments as a consequence to give full effect to the relief sought in submission 120.02 for Provision 10.2.1 Objective 1.

b. Decision

Accept submission **120.06 Meteorological Services of NZ Ltd in part.**

c. Reason

It is considered appropriate to provide the relief sought in order to ensure consistency with the rest of the Plan provisions.

d. Amendments necessary

Amend 10.2 Explanation and Reasons to read as follows:

“..... *operation, maintenance **and upgrading** of utilities....”*

8. 10.3 Establishment use and maintenance and upgrading - policies

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
110.35	Fish & Game Council (Nelson/Marlborough)	oppose	This policy is opposed and should be deleted - not effects based.
<i>F002.03</i>	<i>Telecom NZ</i>	<i>oppose</i>	<i>Deletion of objections etc may threaten future provision of tele/radiocommunications services.</i>
<i>F011.01</i>	<i>Transpower</i>	<i>oppose</i>	<i>These issues etc are important and set out the key factors relating to utilities.</i>
<i>F030.08</i>	<i>W M Dowle</i>	<i>oppose</i>	<i>We are better to fully utilise what utilities we have than establish new ones.</i>
<i>F022.01</i>	<i>Marlborough Lines</i>	<i>oppose</i>	<i>Utilities are an essential infrastructural service.</i>
<i>F031.13</i>	<i>MetService</i>	<i>oppose</i>	<i>The Plan should contain provisions supporting the continued operation and development and the network.</i>

b. Decision

Reject the following submission:

110.35 Fish & Game Council (Nelson/Marlborough)

Accept the following further submissions:

F002.03 Telecom NZ
F011.01 Transpower
F030.08 W M Dowle
F022.01 Marlborough Lines
F031.13 MetService

c. Reason

It is unclear to which policy the submitter is referring to. It is considered that all policies under 10.3.2 are effects based and will give effect to the objective, which in this case is to provide for the health and safety of people.

d. Amendments necessary

None.

9. 10.3.1 Objective 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.70	Department of Conservation	oppose	Delete.
<i>F011.02</i>	<i>Transpower</i>	<i>oppose 119.70</i>	<i>Utilities provide important facilities which ensure the development of the district.</i>
<i>F022.02</i>	<i>Marlborough Lines</i>	<i>oppose 119.70</i>	<i>Objective 2 is vital for the efficient & effective operation of utilities & Policies 2 & 3 acknowledge important considerations.</i>
<i>F030.09</i>	<i>W M Dowle</i>	<i>oppose 119.70</i>	<i>We are better to fully utilise what utilities we have than establish new ones.</i>
<i>F002.04</i>	<i>Telecom NZ</i>	<i>oppose 119.70</i>	<i>Deletion of this objective may threaten future provision of tele/radiocommunication services.</i>
<i>F031.14</i>	<i>MetService</i>	<i>oppose 119.70</i>	<i>The Plan should contain provisions supporting the continued operation and development and the network.</i>

b. Decision

Accept the following submission and further submissions **in part**:

119.70	Department of Conservation
<i>F011.02</i>	<i>Transpower</i>
<i>F022.02</i>	<i>Marlborough Lines</i>
<i>F030.09</i>	<i>W M Dowle</i>
<i>F002.04</i>	<i>Telecom NZ</i>
<i>F031.14</i>	<i>MetService</i>

c. Reason

It is acknowledged that there is an element of inconsistency between objective 1 and objective 2. While objective 1 is to “provide for” the establishment etc. of utilities taking into account adverse effects, objective 2 is to “enable” the establishment etc of utilities.

It is considered appropriate to retain objective 2, as it relates to the essential role that utilities play in providing for people’s health, safety and well being. However, it is considered that objective 2 requires some rewording so it more accurately reflects the issue, and so it is not inconsistent with objective 1. In addition, it is considered that Issue 2 requires a consequential amendment so that it is clear that it relates to “essential” utility services. The submissions are therefore accepted in part to the extent that objective 2 is reworded to avoid inconsistencies and to provide better clarification.

d. Amendments necessary

1. **Amend** Objective 2 to read as follows:

“To provide for the health, safety, and well-being of people and their communities by making provision for the establishment, use, maintenance and upgrading of essential utility services.”

2. **Consequential** amendments:

2.1 **Amend** Issue 2 to read as follows:

*“Utilities **that provide essential services** need to be established...”*

2.2 Consequential amendments as per decisions below.

10. 10.3.2 Policy 2 & 3

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.71	Department of Conservation	oppose	Delete policy 2.
122.05	Vodafone NZ Ltd	support	Retain policy 2.
119.72	Department of Conservation	oppose	Delete policy 3
F022.03	<i>Marlborough Lines</i>	<i>oppose 119.71</i>	<i>Policy 2 is vital for the efficient & effective operation of utilities & Policies 2 & 3 acknowledge important considerations.</i>
F030.10	<i>W M Dowle</i>	<i>oppose 119.71</i>	<i>We are better to fully utilise what utilities we have than establish new ones.</i>
F011.03	<i>Transpower</i>	<i>oppose 119.71</i>	<i>Such a policy is appropriate.</i>
F002.05	<i>Telecom NZ</i>	<i>oppose 119.71</i>	<i>Deletion of this objective may threaten future provision of tele/radiocommunication services.</i>
F031.15	<i>MetService</i>	<i>oppose 119.71</i>	<i>The Plan should contain provisions supporting the continued operation and development and the network. Financial costs must be recognised in the Plan.</i>
F011.04	<i>Transpower</i>	<i>oppose 119.72</i>	<i>Such a policy is appropriate.</i>
F030.11	<i>W M Dowle</i>	<i>oppose 119.72</i>	<i>We are better to fully utilise what utilities we have than establish new ones.</i>
F031.16	<i>MetService</i>	<i>oppose 119.72</i>	<i>The Plan should contain provisions supporting the continued operation and development and the network. Financial costs must be recognised in the Plan.</i>
F002.06	<i>Telecom NZ</i>	<i>oppose 119.72</i>	<i>Deletion of this objective may threaten future provision of tele/radiocommunication services.</i>
F022.04	<i>Marlborough Lines</i>	<i>oppose 119.72</i>	<i>Objective 2 is vital for the efficient & effective operation of utilities & Policies 2 & 3 acknowledge important considerations.</i>

b. Decision

Accept the following submissions and further submissions **in part**:

119.71	Department of Conservation
122.05	Vodafone NZ Ltd
119.72	Department of Conservation
<i>F022.03</i>	<i>Marlborough Lines</i>
<i>F030.10</i>	<i>W M Dowle</i>
<i>F011.03</i>	<i>Transpower</i>
<i>F002.05</i>	<i>Telecom NZ</i>
<i>F031.15</i>	<i>MetService</i>
<i>F011.04</i>	<i>Transpower</i>
<i>F030.11</i>	<i>W M Dowle</i>
<i>F031.16</i>	<i>MetService</i>
<i>F002.06</i>	<i>Telecom NZ</i>
<i>F022.04</i>	<i>Marlborough Lines</i>

c. Reason

It is acknowledged that there is some duplication between policies 2 and 3, which essentially cover the same issue of utility location. It is not however, considered that either policy is inconsistent with objective 2 and the relevant policies, given the amendments to issue 2 and objective 2 above to clarify what the policies relate to.

It is further considered appropriate to amalgamate the main elements of policy 2 and policy 3 into one single policy in order to avoid duplication and uncertainty. In order to be consistent with the amendments above, it is further considered necessary to make this policy specific to “essential” utilities, and that such utilities are listed for avoidance of doubt. It is noted that in respect of “economic” costs, consideration of general “costs and benefits” would cover all costs, including economic and environmental.

The submissions are therefore accepted in part to the extent that the policies are amalgamated to avoid inconsistencies and to provide better clarification.

d. Amendments necessary

1. **Delete** 10.3.2 Policy 2 and 10.3.2 Policy 3, and replace with the following:

“To take into account the location requirements of network utility operators, including associated costs and benefits, when considering possible alternative locations for the establishment of essential utilities relating to power, telecommunications radiocommunications, and meteorological services.”

2. **Renumber** policies accordingly.

11. 10.3.2 Policy 5

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.19	Ministry for the Environment	oppose	Delete.

b. Decision

Accept submission **112.19 Ministry for the Environment in part.**

c. Reason

It is noted that section 7(b) of the Act requires the Council to have particular regard to the “efficient use and development” of natural and physical resources. In addition, it is noted that this policy does not “direct” utility operators where they should locate, but adopts the less stringent method of “encourage”. It is therefore considered that it is within the functions of Council to consider the efficient use of utility infrastructure, being a physical resource. However, consideration of public costs is better provided for through mechanisms such as the annual plan, rather than through the District Plan drafted under the Act. The submission is accepted in part to the extent that the policy is amended to make the wording more consistent with that of the Act.

d. Amendments necessary

Amend 10.3.2 Policy 5 to read as follows:

*“ To encourage development of utilities in areas where excess service capacity exists in order to **promote the efficient use of physical resources.**”*

12. 10.3.3 Method 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
112.20	Ministry for the Environment	oppose	Delete.

b. Decision

Reject submission 112.20 Ministry for the Environment

c. Reason

It is noted that section 7(b) of the Act requires the Council to have particular regard to the “efficient use and development” of natural and physical resources. It is therefore considered that it is within the functions of Council to consider the efficient use of utility infrastructure, being a physical resource.

d. Amendments necessary

None.

13. 10.3 Explanation and Reasons

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
112.21	Ministry for the Environment	oppose	Amend Explanation and Reasons.
119.73	Department of Conservation	oppose	Amend paragraph one to read: ".....adequately managed. Consequently, utilities will be provided for by listing as permitted activities where appropriate, taking into account the potential adverse effects of these utilities."
<i>F011.05</i>	<i>Transpower</i>	<i>oppose 112.21</i>	<i>The explanation and reasons section is appropriate for retention.</i>
<i>F031.17</i>	<i>MetService</i>	<i>oppose 112.21</i>	<i>The Plan should contain provisions supporting the continued operation and development and the network.</i>
<i>F031.18</i>	<i>MetService</i>	<i>oppose 119.73</i>	<i>It is appropriate to identify provision for activities pursuant to the designation provision in the Act rather than just permitted activity classification.</i>

b. Decision

Accept the following submission and further submissions:

119.73 **Department of Conservation**
F011.05 *Transpower*
F031.17 *MetService*

Reject the following submission and further submission:

112.21 **Ministry for the Environment**
F031.18 *MetService*

c. Reason

1. 119.73 – Department of Conservation

It is noted that the amendments suggested are more in line with the Act than the existing wording, however it is considered appropriate to list all the ways in which utilities are provided for, including designations. The amendment is considered necessary for greater clarity and certainty.

2. 112.21 – Ministry for the Environment

The submission is rejected in order to be consistent with other decisions in this regard.

d. Amendments necessary

Delete the last sentence of paragraph one of the explanation and reasons under 10.3, and amend the remainder of the paragraph to read as follows:

“ *Utilities are important..... maintenance and upgrading of utilities, **provided their adverse effects are adequately managed.** Consequently, utilities will be provided for by way of designation, **resource consents, or** by listing as permitted activities **where appropriate, taking into account any potential adverse effects.**”*

14. 10.5.1 Introduction – Utility Rules

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.09	Meteorological Services of NZ Ltd	support	Amend to the introduction: "The rules contained in this section shall apply to utilities, and these rules will override any relevant specific zone rules contained in the following sections of the Plan:" and add the following sections: 15,16,17 and 18.
133.14	Marlborough Lines Ltd	oppose	Delete or clarify references to "earthworks", "vegetation clearance" and "vegetation disturbance".
121.01	Broadcast Communications Ltd	support	Retain, but correct the numbers, being sections 18, 19, 20 and 22.
122.06	Vodafone NZ Ltd	support	Retain, but correct the numbers, being sections 18, 19, 20 and 22.
133.13	Marlborough Lines Ltd	support	Amend to correct section references.
F021.62	<i>Department of Conservation</i>	<i>support & oppose</i> 133.14	<i>Deletion of these terms is opposed, however clarification of the definitions is supported.</i>
F008.18	<i>Environment Canterbury</i>	<i>support</i> 133.14	<i>Utilities should comply with these rules because of potential adverse effects.</i>
V14.05	Marlborough Lines Ltd		Replace the proposed variation with: "Neither the zone rules nor section 23 apply to utilities. All district wide rules shall apply to utilities."
V20.05	Department of Conservation		Re-write the proposed amendment, so that the intent of the section is clarified.
VFS 3.13	<i>Whale Watch Kaikoura Ltd</i>	<i>Support in part/ Oppose in part/ Oppose V 14.05</i>	<i>Rewrite to take out the triple negative, but not with the wording suggested by Marlborough Lines.</i>
VFS 3.14	<i>Whale Watch Kaikoura Ltd</i>	<i>Support V20.05</i>	<i>Rewrite</i>
VFS 4.03	<i>Canterbury Regional Council</i>	<i>Oppose V14.05</i>	
VFS 5.04	<i>MainPower NZ Ltd</i>	<i>Support V14.05</i>	

b. Decision

Accept the following submissions and further submissions **in part**:

120.09 Meteorological Services of NZ Ltd

133.14	Marlborough Lines Ltd
121.01	Broadcast Communications Ltd
122.06	Vodafone NZ Ltd
133.13	Marlborough Lines Ltd
<i>F021.62</i>	<i>Department of Conservation</i>
<i>F008.18</i>	<i>Environment Canterbury</i>
V14.05	Marlborough Lines Ltd
V20.05	Department of Conservation
<i>VFS 4.03</i>	<i>Canterbury Regional Council</i>
<i>VFS 3.14</i>	<i>Whale Watch Kaikoura Ltd</i>
<i>VFS 5.04</i>	<i>MainPower NZ Ltd</i>
<i>VFS 3.13</i>	<i>Whale Watch Kaikoura Ltd</i>

c. Reason

It is acknowledged that the provision should be rewritten due to the triple negative and the uncertainty it creates in its proposed form. It is noted that the general purpose of the rule is to exempt utilities from all zone rules, as the utilities section and all other district wide rules are considered the most effective and efficient way to manage potential and actual effects of utilities.

There is however a number of zone rules which continue to manage potential and adverse effects of utilities, as utilities could have adverse effects in riparian areas, and could restrict vehicles access during emergency flood protection works. It is therefore considered that the rule needs to be reworded to provide the necessary clarification. The amendment below is considered as being appropriate in providing the necessary clarification. The submissions are accepted in part to the extent that the riparian controls and waterbody setback performance standards in the zones are extended to include utility buildings, and that the reference to exemptions under the utilities rules is clarified.

d. Amendments necessary

Amend the reference to exemptions in section 10 under “Utilities Rules” to read as follows:

“ The zone rules do not apply to utilities, except for those rules specified below:

Rule 18.7(14) (waterbody separation)

Rule 19.6(13) (waterbody separation)

Rule 20.6(15) (waterbody separation)

Rule 22.8(11) (indigenous forest clearance)

Rule 22.8(12) (indigenous vegetation clearance)

Rule 22.8(13) (riparian management)

All district wide rules shall apply to utilities.”

15. Permitted Activities

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.74	Department of Conservation	oppose	Delete the activities (10.5.1(a)(i) &(ii)), and make them as full discretionary activities.
119.75	Department of Conservation	oppose	Delete the activities (10.5.1(b)(i) & (ii)), and make them as full discretionary activities.
119.76	Department of Conservation	oppose	Delete the activities (10.5.1(a)(i) &(ii)), and make them as full discretionary activities.
110.36	Fish & Game Council (Nelson/Marl)	oppose	Delete (10.5.1(g)).
119.77	Department of Conservation	oppose	Delete the activities (10.5.1(g)), and make them as full discretionary activities.
110.37	Fish & Game Council (Nelson/Marl)	oppose	Delete (10.5.1(h)).
119.78	Department of Conservation	oppose	Delete the activities (10.5.1(h)), and make them as full discretionary activities.
132.60	Canterbury Regional Council	oppose	Delete the words 'throughout the District', and substitute the following words: "Subject to meeting relevant rules contained in the Natural Hazards sections."
<i>F008.16</i>	<i>Environment Canterbury</i>	<i>support 119.78</i>	<i>Location of utilities within riparian margins can have more than minor effects.</i>
<i>F008.15</i>	<i>Environment Canterbury</i>	<i>support 119.77</i>	<i>Location of utilities within riparian margins can have more than minor effects.</i>
<i>F008.14</i>	<i>Environment Canterbury</i>	<i>support 119.76</i>	<i>Location of utilities within riparian margins can have more than minor effects.</i>
<i>F002.09</i>	<i>Telecom NZ</i>	<i>oppose 119.76</i>	<i>Submissions does not recognise the minor effects of some tele.radiocommunication structures.</i>
<i>F022.06</i>	<i>Marlborough Lines</i>	<i>oppose 119.75</i>	<i>Proposed changes would increase compliance costs - the RMA provides for these activities.</i>
<i>F011.07</i>	<i>Transpower</i>	<i>oppose 119.75</i>	<i>Permitted activity provision is appropriate.</i>
<i>F008.13</i>	<i>Environment Canterbury</i>	<i>support 119.74</i>	<i>Location of utilities within riparian margins can have more than minor</i>

			<i>effects.</i>
<i>F002.08</i>	<i>Telecom NZ</i>	<i>oppose 119.74</i>	<i>The submission does not recognise the minor effects of some types of lines and structures.</i>
<i>F022.05</i>	<i>Marlborough Lines</i>	<i>oppose 119.74</i>	<i>Proposed changes would increase compliance costs - the RMA provides for these activities.</i>
<i>F008.12</i>	<i>Environment Canterbury</i>	<i>support 119.75</i>	<i>Location of utilities within riparian margins can have more than minor effects.</i>
<i>F011.06</i>	<i>Transpower</i>	<i>oppose 119.74</i>	<i>The submission is unreasonable.</i>

b. Decision

Accept the following further submissions:

- F011.06 Transpower*
- F022.05 Marlborough Lines*
- F002.08 Telecom NZ*
- F011.07 Transpower*
- F022.06 Marlborough Lines*
- F002.09 Telecom NZ*

Accept the following submissions and further submissions **in part**:

- 132.60 Canterbury Regional Council**

Reject the following submissions and further submissions:

- 119.74 Department of Conservation**
- 119.75 Department of Conservation**
- 119.76 Department of Conservation**
- 119.77 Department of Conservation**
- 119.78 Department of Conservation**
- 110.36 Fish & Game Council (Nelson/Marlb)**
- 110.37 Fish & Game Council (Nelson/Marlb)**
- F008.16 Environment Canterbury*
- F008.15 Environment Canterbury*
- F008.14 Environment Canterbury*
- F008.13 Environment Canterbury*
- F008.12 Environment Canterbury*

c. Reason

1. 119.74 to 119.78 – Department of Conservation

110.36 and 110.37 – Fish & Game Council (Nelson/Marlborough)

It is noted that the submitters seek to delete various permitted activities as it is considered the potential effects of those activities are not adequately controlled. The submissions further seek to make those activities unrestricted discretionary. However, the submitters appear to overlook the parts of the plan, which continue to control potential adverse effects of concern to the submitters. Specifically, the start of section 10 lists which parts of the plan continue to apply, including vegetation clearance and earthworks controls. Section 10 also contains a number of controls to mitigate or avoid adverse effects of utilities. Finally, it has been decided in other sections of the Plan that amendments be made in respect of utilities located within flood hazard areas and landscape areas.

2. 132.60 - Canterbury Regional Council

The relief sought in this submission is considered unnecessary, since it is made clear at the beginning of section 10 that the rules in the natural hazards section of the Plan continue to apply to utilities. However, it is considered appropriate to delete the words “throughout the district”, as the rules under 10.5.1 automatically apply across the whole district. The submission is accepted in part to the extent that these words are deleted, as they are unnecessary and create confusion.

d. Amendments necessary

Delete the words “*throughout the District*” in the first line under 10.5.1 Permitted Activities.

16. 10.5.1(c)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
122.07	Vodafone NZ Ltd	support	Amend to include equipment buildings within the rule, or replace the existing rule with "Telecommunication facilities".
116.01	Telecom New Zealand Ltd	support in part	Amend by adding "telecommunication facilities" and radiocommunication facilities" to the list of permitted activities, or add utility buildings to the list.
<i>F021.55</i>	<i>Department of Conservation</i>	<i>partially oppose</i> <i>116.01</i>	<i>Submission is very broad and could lead to uncertainty.</i>
<i>F021.53</i>	<i>Department of Conservation</i>	<i>partially oppose</i>	<i>Submission could lead to uncertainty, and these items are already covered in Section 10.5 of the plan.</i>

b. Decision

Accept the following submission:

122.07 **Vodafone NZ Ltd**
116.01 **Telecom New Zealand Ltd**

Reject the following further submissions:

F021.55 *Department of Conservation*
F021.53 *Department of Conservation*

c. Reason

The submissions are accepted in order to be consistent with other decisions in this regard. No amendments are required, as utility buildings have been introduced by means of Variation 2 to the Plan.

d. Amendments necessary

None

17. 10.5.1(e)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.11	Meteorological Services of NZ Ltd	support	Amend to read: "Meteorological activities, automatic weather stations, or weather recording and communicating devices."

b. Decision

Accept submission **120.11 Meteorological Services of NZ Ltd**

c. Reason

It is considered appropriate to provide the relief sought in order to ensure consistency with other decisions. The amendment is considered necessary, as the suggested wording is technically more correct and encompassing and will therefore provide greater clarity and more certainty to plan users.

d. Amendments necessary

Amend permitted activity rule 10.5.1(e) to read as follows:

“ *Meteorological activities, automatic weather stations, and weather recording and communicating devices.*”

18. 10.5.1(k) – Maintenance, Replacement and Upgrading of Utilities [(m) as amended by Variation 2 to the Plan]

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.12	Meteorological Services of NZ Ltd	support	Add another utility to the list: "- Existing meteorological activities."
133.16	Marlborough Lines Ltd	oppose	Add additional point: "- all existing utilities, utility buildings and utility support structures whether above ground or underground associated with conveying electricity at all voltages and all capacities."
132.62	Canterbury Regional Council	Support	Retain rule 10.5.1(k).
<i>F021.54</i>	<i>Department of Conservation</i>	<i>oppose 133.16</i>	<i>Submission is very broad and could lead to uncertainty.</i>
V14.06	Marlborough Lines Ltd	Support	Accept the proposed variation - deletion of "above ground".
<i>VFS 5.05</i>	<i>MainPower NZ Ltd</i>	<i>Support V14.06</i>	

b. Decision

Accept the following submissions and further submission:

120.12 **Meteorological Services of NZ Ltd**
133.16 **Marlborough Lines Ltd**
V14.06 **Marlborough Lines Ltd**
VFS 5.05 **MainPower NZ Ltd**

Accept the following submission in part:

132.62 **Canterbury Regional Council**

Reject the following further submission:

F021.54 *Department of Conservation*

c. Reason

1. 120.12 – Meteorological Services of NZ Ltd

It is considered appropriate to add “Meteorological activities” as sought in order to be consistent with other decisions – refer to Item 18 above.

2. 133.16 & V14.06 - Marlborough Lines Ltd

It is considered that the submission raises a valid concern in that maintenance is limited to “above ground” lines. It is considered reasonable for maintenance and upgrading to extend to underground lines as well, particularly since Council is trying to encourage the undergrounding of lines. It is also unclear as to why maintenance of underground electricity lines is not included, while maintenance of underground telecommunications lines is. The controls in the plan, and the amendments to the Plan as introduced by Variation 2 to ensure that extending maintenance will include underground lines, will encourage the mitigation or avoidance of adverse effects.

3. 132.62 - Canterbury Regional Council

The submission is accepted in part to the extent that rule (k) [(m) as introduced by variation 2] is retained albeit amended as a result of submissions.

d. Amendments necessary

Replace the fourth bullet point under permitted activity rule 10.5.1(m) “existing weather radar” with “*existing meteorological activities*”.

19. Permitted Activities – addition of new permitted activity, introduced as new (k) by Variation 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
010.05	Kaikoura District Council		Add "utility buildings" as a permitted activity in 10.5.1.
010.06	Kaikoura District Council	n/a	Add "utility buildings" as a permitted activity in 10.5.1.
133.15	Marlborough Lines Ltd		Add a new paragraph to (c): "Utility support structure and utility buildings."
<i>F031.05</i>	<i>MetService</i>	<i>Support 010.06</i>	<i>It is appropriate for network utility activities to be exempt from s11 provisions</i>
V14.07	Marlborough Lines Ltd	Support	Accept the proposed variation - addition of "utility buildings" as (k)
<i>VFS 5.06</i>	<i>Mainpower NZ Ltd</i>	<i>Support V14.07</i>	

b. Decision

Accept the following submissions and further submissions:

010.05	Kaikoura District Council
010.06	Kaikoura District Council
133.15	Marlborough Lines Ltd
V14.07	Marlborough Lines Ltd
<i>F031.05</i>	<i>MetService</i>
<i>VFS 5.06</i>	<i>Mainpower NZ Ltd</i>

c. Reason

It is considered appropriate to provide the relief sought for the following reasons:

- (i) Consistency with the introduction of “utility buildings” and “utility support structures” as permitted activities into the Plan via Variation 2.
- (ii) A new definition for “utility building” has been introduced into the Plan. It is noted that a definition for utility support structure already exists in the Plan.
- (iii) Consistency with other decisions relating to utilities.
- (iv) Permitting utility buildings is considered to be consistent with the general enabling provisions of this section of the plan.
- (v) Utility buildings will only be permitted up to a certain size and area (as specified in the rules), and any potential adverse effects will be managed through appropriate mechanisms and in conjunction with other plan provisions, such as landscape rules and riparian management rules.

- (vi) Utility support structures will be permitted up to a certain height and any potential effects will be managed through appropriate mechanisms and in conjunction with other plan provisions.

It is therefore considered appropriate and necessary to retain utility buildings and utility support structures as permitted activities in the Plan.

d. Amendments necessary

None

20. 10.5.1 Permitted Activities - addition of new permitted activities, introduced as (1) by Variation 2

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
V14.08	Marlborough Lines Ltd	Support	Accept the proposed variation - addition of "utility support structure" as (1)
VFS 5.07	<i>Mainpower NZ Ltd</i>	<i>Support V14.8</i>	

b. Decision

Accept the following submission and further submission:

V14.08 **Marlborough Lines Ltd**
VFS 5.07 *Mainpower NZ Ltd*

c. Reason

It is considered appropriate to provide the relief sought for the following reasons:

- (i) It is noted that a definition for utility support structure already exists in the Plan.
- (ii) Consistency with other decisions relating to utilities.
- (iii) Permitting utility support structures is considered to be consistent with the general enabling provisions of this section of the plan.
- (iv) Utility support structures will be permitted up to a certain height and any potential effects will be managed through appropriate mechanisms and in conjunction with other plan provisions.

It is therefore considered appropriate and necessary to retain utility support structures as a permitted activity in the Plan.

d. Amendments necessary

None.

21. 10.5.2 Controlled Activities

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
010.07	Kaikoura District Council	Oppose	Amend rule 10.5.2 to read: "All above structures and buildings listed in Rule 10.5.1(a), and associated earthworks, which are proposed to be located in the Significant Landscape.....(ii) height and scale of support structures and buildings....".
116.02	Neil Sheerin	Oppose	Amend to read: "...Landscape Areas where new lines extend existing overhead lines and involve more than 3 additional poles, and where permitted..."
119.79	Department of Conservation	Oppose	Change from controlled to full discretionary status.
120.13	Meteorological Services of NZ Ltd		Amend second paragraph to read: "All activities listed in Rule 10.5.1 (a) and (e) which are proposed to be located in the Outstanding or Significant Landscape Areas..... "
133.17	Marlborough Lines Ltd		Amend "support structure" to read: "utility support structure".
F002.10	Telecom NZ	Oppose 119.79	Submission does not recognise that telecommunication lines may pose minor effects.
F021.56	Department of Conservation	Partial Support 116.02	Submission is too broad and needs refinement.
F022.07	Marlborough Lines	Oppose 119.79	Proposed changes would increase compliance costs - the RMA provides for these activities.
F022.10	Marlborough Lines	oppose 010.07	Deeming above ground lines & support structures discretionary activities is inconsistent with the RMA which recognises the importance of provision of health, safety & well being.
F022.12	Marlborough Lines	support 010.07	Earthworks are ancillary to network utility systems - reference to "associated earthworks" should be included in 10.5.1(a).
V14.09	Marlborough Lines Ltd	Oppose	Delete the proposed variation - deletion of 10.5.2 Controlled Activities.
VFS 5.08	Mainpower NZ Ltd	Support V14.09	

b. Decision

Accept the following submissions and further submission in part:

010.07	Kaikoura District Council
116.02	Neil Sheerin (Telecom)
119.79	Department of Conservation
120.13	Meteorological Services of NZ Ltd
133.17	Marlborough Lines Ltd
<i>F002.10</i>	<i>Telecom NZ</i>
<i>F021.56</i>	<i>Department of Conservation</i>
<i>F022.07</i>	<i>Marlborough Lines</i>
<i>F022.10</i>	<i>Marlborough Lines</i>
<i>F022.12</i>	<i>Marlborough Lines</i>

Reject the following submission and further submission:

V14.09	Marlborough Lines Ltd
<i>VFS 5.08</i>	<i>Mainpower NZ Ltd</i>

c. Reason

1. **010.07 - Kaikoura District Council; 116.02 - Neil Sheerin (Telecom); 119.79 - Department of Conservation; 120.13 - Meteorological Services of NZ Ltd; 133.17 - Marlborough Lines Ltd; F002.10 - Telecom NZ; F021.56 - Department of Conservation; F022.07 - Marlborough Lines; F022.10 - Marlborough Lines; F022.12 - Marlborough Lines**

The submissions raised a few issues with regard to the activity status of utilities in the Outstanding and Significant Landscape Areas of the district, with some submitters requesting a more conservative approach and other submitters requesting a less prescriptive approach. Either way it highlighted the fact that this rule, as proposed, was ineffective to achieve the purpose of the Act. The introduction of Variation 2 into the Plan further highlighted the inefficiencies of this rule particularly in landscape areas containing high landscape values, such as the Peninsula, which is regarded as an important icon to the community of Kaikoura and visitors to the district alike. This prompted a re-evaluation of the issue.

Once all the submissions, all relevant documents and further evidence presented at the hearing were reviewed, it was considered appropriate to retain the rule in the landscape section of the Plan, as introduced by Variation 2, for the following reasons:

- (i) It is more consistent with the objectives and policies of the landscape section.
- (ii) It was found that the original rule 10.5.2 did not offer enough protection and did not distinguish between effects of activities in the significant landscape areas versus the effects of activities in the outstanding landscape areas, especially on the Kaikoura Peninsula. A more precautionary approach was therefore considered necessary, which is in line with Council's duties and responsibilities under section 6 and section 7 of the Act.

- (iii) The rule was also limited to “above ground” lines and support structures only, and excluded other utilities, which could potentially have adverse effects in the landscape areas.
- (iv) The replacement of rule 10.5.2 with a more effects based rule is acknowledged and accepted, as this is more consistent with the purpose of the Act.
- (v) It is noted that the effect of the rule is that utilities, utility buildings and utility support structures are generally permitted unless: they are located within a landscape area, within 5km of a strategic arterial road or the peninsula reservoir, **and can be seen** from those places. It is considered a better fit with the existing rule package in the landscape section (section 11) of the plan. It is also concluded that the landscape rules in 11.7.1 and 11.7.2 were not considered onerous and will not necessarily result in an increase in compliance cost. This finding is based on a monitoring exercise which revealed that, since the Plan was notified on 10 May 2000, less than 5% of all resource consents processed came about as a result of these rules being triggered.
- (vi) It is noted that subaqueous lines are considered as being an extension of underground lines, since “land” as defined by the Act includes land covered by water. Furthermore, subaqueous lines will not be visible from any strategic arterial route or the water reservoir on the Peninsula, therefore the rules in the Outstanding and Significant Landscape Areas will not be triggered and resource consent will not be required - this effectively gives subaqueous lines a permitted activity status in the Landscape Areas as sought by Telecom. The concerns raised by Telecom are therefore considered unfounded and it is considered unnecessary to specifically provide for the exemption of subaqueous lines.
- (vii) One of the criteria used to identify landscape areas is their visibility when seen from public areas. While the landscape areas are extensive, and contain many remote locations, there are also the areas, such as the coastal corridor and the Kaikoura Peninsula, which are particularly visible from strategic arterial routes and other public places in the district. Within these areas it is considered of utmost importance to retain a high level of control, in order to be consistent with Council’s functions and duties in terms of section 6 and section 7 of the Act. These areas have been identified in the Landscape Study 1999, as having very high landscape values and it is considered that the level of control should reflect those values. A precautionary approach in this regard is considered the most effective and efficient way to achieve the purpose of the Act and it is therefore considered inappropriate to allow an unlimited addition of poles to existing overhead lines as suggested by Telecom. The statement of the submitter in his evidence that the extension of overhead lines and the addition of new poles to support those lines will in all likelihood result in only minor visual effects is not supported and is unsubstantiated. It is considered that the requirement for resource consents to assess the potential and actual adverse visual effects on the environment as a result of the addition of more than 3 poles is not onerous and will not result in unnecessary compliance costs to the network utility operator.
- (viii) It is considered unnecessary to specifically exempt the placement of new antennas on existing structures, as this is adequately covered by section 10 of the Act dealing with existing use rights. The replacement of existing antennas with larger antennas in the Outstanding and Significant Landscape Areas has the potential to result in significant adverse visual effects on the landscape values of those areas, and it is considered appropriate to assess those potential adverse visual effects through the resource consent process on a case-by-case basis.

The submissions are **accepted in part** to the extent that the rule has been replaced by a more effects based rule, which will go a long way in addressing the concerns of the submitters.

2. V14.09 - Marlborough Lines Ltd and VFS 5.08 - Mainpower NZ Ltd

The submissions are rejected for the same reasons stated above.

d. Amendments necessary

None.

22. 10.5.3 Restricted Discretionary Activities (a)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
119.80	Department of Conservation	oppose	Amend Rule so that the activities are discretionary and that Council has full discretion over; and add to these matters for assessment: "Avoid, remedy or mitigate any adverse effects on ecological values."
010.09	Kaikoura District Council	oppose	Amend 10.5.3(a) to read: "...under rule 10.6. Council's discretion is restricted to the matter(s) of non-compliance, in addition to any matters over which control has been restricted for controlled activities under 10.5.2."
<i>F002.11</i>	<i>Telecom NZ</i>	<i>oppose 119.80</i>	<i>Telecom supports proposed restricted discretionary status for activities not listed as permitted or controlled.</i>
<i>F022.08</i>	<i>Marlborough Lines</i>	<i>oppose 119.80</i>	<i>Proposed changes would increase compliance costs - the RMA provides for these activities.</i>
<i>F031.19</i>	<i>MetService</i>	<i>oppose 119.80</i>	<i>Restricted discretionary classification is appropriate to network utility activities.</i>
<i>F022.11</i>	<i>Marlborough Lines</i>	<i>oppose 010.09</i>	<i>Deeming above ground lines & support structures discretionary activities is inconsistent with the RMA which recognises the importance of provision of health, safety & well being.</i>
<i>F022.13</i>	<i>Marlborough Lines</i>	<i>support 010.09</i>	<i>Earthworks are ancillary to network utility systems - reference to "associated earthworks" should be included in 10.5.1(a).</i>
V14.10	Marlborough Lines Ltd	Oppose	Delete the proposed variation - deleting the words "or a Controlled Activity".
<i>VFS 5.09</i>	<i>Mainpower NZ Ltd</i>	<i>Support V14.10</i>	

b. Decision

Accept the following further submission:

F022.11 Marlborough Lines

Accept the following submission and further submissions **in part**:

119.80	Department of Conservation
<i>F002.11</i>	<i>Telecom NZ</i>
<i>F022.08</i>	<i>Marlborough Lines</i>
<i>F031.19</i>	<i>MetService</i>

Reject the following submissions and further submissions:

10.09	Kaikoura District Council
<i>F022.13</i>	<i>Marlborough Lines</i>
V14.10	Marlborough Lines Ltd
<i>VFS 5.09</i>	<i>Mainpower NZ Ltd</i>

c. Reason

1. 119.80 – Department of Conservation

The submission is accepted in part to the extent that “any effects on ecological and conservation values” has been included as a matter of discretion. It is rejected in part to the extent that the list of discretion matters will allow Council to appropriately assess all potential effects of utilities on ecological and conservation values and the full discretionary status of the activity is therefore considered inappropriate and unnecessary.

2. 10.09 – Kaikoura District Council

V14.10 Marlborough Lines Ltd

The submissions are rejected to ensure consistency with other decisions made in this regard, i.e. to delete the “controlled activity” rule and replace it with a more effects based rule in section 11 of the Plan.

d. Amendments necessary

None.

23. 10.5.3(g)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
116.04	Telecom New Zealand Ltd	oppose	Delete 10.5.3(g).
119.81	Department of Conservation	support	Delete 10.5.3(g).
120.14	Meteorological Services of NZ Ltd	oppose	Delete 10.5.3(g).
132.61	Canterbury Regional Council	oppose	Include additional point under "District Council's discretion with respect to rules 10.5.3(b) to 10.5.3(g)..": "Any effect on wildlife habitat."
V20.06	Department of Conservation	Support	Accept the addition of a new matter of discretion under 10.5.2 as introduced by variation 2. (10.5.3 as originally notified)

b. Decision

Accept the following submissions:

132.61 Canterbury Regional Council

V20.06 Department of Conservation

Accept the following submissions in part:

116.04 Telecom New Zealand Ltd

119.81 Department of Conservation

120.14 Meteorological Services of NZ Ltd

c. Reason

1. 132.61 - Canterbury Regional Council and V20.06 - Department of Conservation

The submissions are accepted to ensure consistency with other decisions in this regard.

2. 116.04 - Telecom New Zealand Ltd; 119.81 - Department of Conservation; 120.14 - Meteorological Services of NZ Ltd

The submissions are accepted in part for the following reasons:

- (i) To ensure consistency with the rule as introduced by Variation 2 to the Plan.
- (ii) To ensure consistency with other decisions in this regard.
- (iii) The rule, as originally proposed, is not considered effective as it reads more like an effect as opposed to an activity and would therefore be more appropriate in the list of discretion matters.

d. Amendments necessary

None.

24. 10.5.3(e)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
116.03	Telecom New Zealand Ltd	oppose	Amend clause to allow extensions, utility buildings, underground/water antennas as permitted activities in Outstanding/Significant Landscapes; and radiocommunication facilities as controlled in Outstanding/Significant Landscapes.
010.08	Kaikoura District Council	oppose	Amend rule 10.5.3(e) to read: "All above ground lines, support structures and buildings listed in Rule 10.5.1(a), and associated earthworks, which are proposed to be located in the Outstanding Landscape Areas, except for....."
122.08	Vodafone NZ Ltd	support	Retain.
133.18	Marlborough Lines Ltd	oppose	Amend to ensure that all activities currently classified as restricted discretionary under Rule 10.5.3(e) become permitted activities under Rule 10.5.1 or controlled under Rule 10.5.2.
<i>F021.57</i>	<i>Department of Conservation</i>	<i>oppose 116.03</i>	<i>Submission is too broad, leading to uncertainty.</i>
<i>F008.19</i>	<i>Environment Canterbury</i>	<i>oppose 133.18</i>	<i>Permitted or controlled activity status is inconsistent with Christchurch 8, Policy 3 of the RPS.</i>
<i>F021.58</i>	<i>Department of Conservation</i>	<i>oppose 133.18</i>	<i>Council needs to retain discretion over activities which have potential to cause adverse effects.</i>

b. Decision

Accept the following submissions and further submissions **in part**

- 116.03** **Telecom New Zealand Ltd**
- 010.08** **Kaikoura District Council**
- 122.08** **Vodafone NZ Ltd**
- 133.18** **Marlborough Lines Ltd**
- F021.57* *Department of Conservation*
- F008.19* *Environment Canterbury*
- F021.58* *Department of Conservation*

Reject the following submission:

133.18 Marlborough Lines Ltd

c. Reason

1. **116.03 - Telecom New Zealand Ltd; 010.08 - Kaikoura District Council ; 22.08 - Vodafone NZ Ltd; 133.18 - Marlborough Lines Ltd; F021.57 - Department of Conservation; F008.19 - Environment Canterbury; F021.58 - Department of Conservation**

The submissions are accepted in part to the extent that rule 10.5.3(e) is deleted and replaced by effects-based rules, which have been added to section 11.

2. 133.18 – Marlborough Lines Ltd

The submission is rejected to ensure consistency with other decision in this regard. It is not considered appropriate to include the specified activities as permitted or controlled activities, as it will be contrary to Part II of the Act.

d. Amendments necessary

None.

25. 10.6.1 Zone Standards - row ii – Transformers

a. Submitters and hearing

Submission number	Submitter	Status	Relief Sought
V14.11	Marlborough Lines Ltd	Oppose	The original zone standards of exclusion for transformers under 150KVA in power should be in place of the proposed provision.
VFS 4.04	Canterbury Regional Council	Oppose V14.11	A 150KVA transformer corresponds to the 2m x 2m footprint x1.7m high boxes commonly found in urban areas. Providing for the mounting of structures of this size above ground level in an urban setting, particularly the Kaikoura Peninsula Tourism Zone, may have potentially significant adverse effects. Such an approach will be inconsistent with Chapter 8, Policy 3 and Chapter 12, Policy 2 of the Regional Policy Statement.
VFS 5.20	MainPower NZ Ltd	Oppose V14.11	The exclusion level for transformers should be lifted to 300kVA and under in power.

b. Decision

Accept the following further submission:

VFS 4.04 **Canterbury Regional Council**

VFS 5.20 **MainPower NZ Ltd**

Reject the following submission:

V14.11 **Marlborough Lines Ltd**

c. Reason

1. V14.11 - Marlborough Lines Ltd

It is acknowledged that the trigger point of 150kVA is an arbitrary figure and that there are similar sized transformers with more capacity available. However, it is considered that it is not the output of the transformers that is of concern, but rather the potential adverse visual effects on the amenity of the environment and landscape values of the district, especially on the Peninsula. It is considered that the mounting of any of the above listed transformers on any structure above ground level could potentially have significant adverse visual and amenity effects. It is therefore considered more appropriate to place these transformers at ground level where they have the potential to blend in more with the surroundings. This is also considered more consistent with the policy direction of the Proposed Plan, seeking that reticulated energy and telecommunication services are provided below ground. It is also considered consistent with the Regional Policy Statement.

2. VFS 5.20 - MainPower NZ Ltd

The submission is accepted by default as it opposed submission **V14.11 - Marlborough Lines Ltd**. No consideration has been given to the suggested wording, as a further submission can only accept or reject the relief as sought by a submitter.

d. Amendments necessary

None.

26. 10.6.1 Zone Standards - row iv – Heights

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
116.05	Telecom New Zealand Ltd	support in part	Delete "aerials, antennas, dish antennas and their associated"
028.02	Clear Communications	support	Include a second note as follows: Note 2: the limitations on height relate only to stand-alone structures as antennas and aerials attached to buildings are exempt from the definition of height.
121.02	Broadcast Communications Ltd	support	Retain.
122.09	Vodafone NZ Ltd	oppose	Delete rule, and replace with "Utility support structures shall not exceed the following heights above ground level."
F021.60	Department of Conservation	oppose 116.05	Submission would make it likely that potential adverse effects could not be addressed - wide range of structures would be uncontrolled in relation to height.
F021.59	Department of Conservation	partially oppose 028.02	Submission would make it likely that potential adverse effects could not be addressed.
F021.61	Department of Conservation	oppose 122.09	Submission would make it likely that potential adverse effects could not be addressed - wide range of structures would be uncontrolled in relation to height.
V14.12	Marlborough Lines Ltd	Support	Accept the proposed variation – row (iv) in Table 10.6.1 as amended by Variation 2.
VFS 5.10	MainPower NZ Ltd	Support V14.12	

b. Decision

Accept the following submissions and further submissions **in part**

- 116.05** **Telecom New Zealand Ltd**
- 028.02** **Clear Communications**
- 121.02** **Broadcast Communications Ltd**
- 122.09** **Vodafone NZ Ltd**
- F021.60* *Department of Conservation*
- F021.59* *Department of Conservation*
- F021.61* *Department of Conservation*

c. Reason

The submissions are accepted in part to the extent that definition of “height” has been amended for clarification. In addition, the height provisions in section 10 have been amended by the introduction of Variation 2 to the Plan to distinguish between the height of utility support structures and the height of aerials and antennas, excluding dish antennas. It is considered that the amendments above will provide greater clarification and more certainty to plan users. Although the submissions are accepted, no amendments are necessary, as the required amendments are consistent with those amendments introduced by Variation 2 to the Plan.

d. Amendments necessary

None

27. 10.6.1(v) – Dish Antennas

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
028.03	Clear Communications	support	Retain provision.
121.03	Broadcast Communications Ltd	support	Retain.
122.10	Vodafone NZ Ltd	support	Retain.

b. Decision

Accept the following submissions:

028.03	Clear Communications
121.03	Broadcast Communications Ltd
122.10	Vodafone NZ Ltd

c. Reason

Support for the performance standard is acknowledged.

d. Amendments necessary

None.

28. 10.6.1 Zone Standards – New Row (v) as introduced by Variation 2 – Heights

a. Submitters and hearing

Submission number	Submitter	Status	Relief Sought
V14.13	Marlborough Lines Ltd	Oppose	Delete the proposed variation - addition of v. Heights in Table 10.6.1.
VFS 3.16	Whale Watch Kaikoura Ltd	Oppose V14.13	Refuse relief, as is inappropriate in the OLA and SLA. Sufficient provision has been made for utilities, subject to appropriate controls to protect the landscape and amenity values.
VFS 5.11	MainPower NZ Ltd	Support V14.13	

b. Decision

Accept the following further submission:

VFS 3.16 **Whale Watch Kaikoura Ltd**

Reject the following submission and further submission:

V14.13 **Marlborough Lines Ltd**

VFS 5.11 **MainPower NZ Ltd**

c. Reason

The submission is rejected to ensure consistency with decisions in Item 26 above, and to make better distinction between:

- (i) The height of aerials and antennas and the height of utility support structures they attach to, excluding dish antennas.
- (ii) Utilities located within the Building Location Platforms and utilities located outside the Building Platform Location Areas in the Kaikoura Peninsula Tourism Zone, as introduced by Variation 2 to the Plan.

In addition to the above, the amended performance standards are considered more effects based, will appropriately manage effects on amenity values and the Outstanding and Significant Landscape Areas pursuant to section 6 and section 7 of the Act, and will provide better clarification and certainty to plan users.

d. Amendments necessary

None.

29. 10.6.1 Zone Standards - Note 2 (new note as introduced by Variation 2)

a. Submitters and hearing

Submission number	Further submission number	Submitter	Status	Relief Sought
V14.14		Marlborough Lines Ltd		Delete Note 2.
		<i>Whale Watch Kaikoura Ltd</i>	Oppose V14.14	Refuse relief. The deletion of Note 2 would be inappropriate in the SLA and OLA, there is sufficient provision for utilities in KPTZ, subject to appropriate controls to protect landscape and amenity values.
	VFS 5.12	<i>MainPower NZ Ltd</i>	Support V14.14	None sought.

b. Decision

Reject the following submission and further submission:

V14.14 **Marlborough Lines Ltd**
VFS 5.12 ***MainPower NZ Ltd***

Accept the following further submission:

VFS 3.15 ***Whale Watch Kaikoura Ltd***

c. Reason

The submission is rejected for the following reasons:

- (i) The concerns of the submitter have not been substantiated by conclusive evidence.
- (ii) The height of buildings in the Building Platform Location Areas, and any antennas and aerials attached to those, are strictly controlled due to the location of buildings in a significant and outstanding landscape area. It is acknowledged that there is a strong desire to protect the skyline as viewed from strategic locations. Note 2 is therefore considered essential in achieving that purpose and is retained.
- (iii) To ensure consistency with the decision in Item 28 above.

d. Amendments necessary

None.

30. 10.6.2 General Standards (a)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
010.04	Kaikoura District Council	oppose	Amend to refer to lines that span across valleys, riverbeds or surface water greater than 50m and has a height greater than 30m above the ground or water, to be marked or highlighted in its entirety between the two support structures.
133.07	Marlborough Lines Ltd	oppose	Delete.

b. Decision

Accept the following submission in part:

010.04 Kaikoura District Council

Reject the following submission:

133.07 Marlborough Lines Ltd

c. Reason

It is noted that this rule came about as a result of comments on the Draft District Plan. In drafting this rule, consultation was undertaken with Civil Aviation Authority who indicated that they welcome any provisions which seek to enhance air safety, and which raise awareness of dangers posed by un-marked wires. They also provided the Council with a draft copy of their own rules (not promulgated at the time of writing), on which the amendments in submission **010.04 – Kaikoura District Council** are based.

It is acknowledged that section 5 of the Act obliges Council to promote sustainable management in a way that provides for the health and safety of people and their communities. It is considered that this rule seeks to mitigate or avoid adverse effects of a land use activity on people’s health and safety, and in this respect it is considered to be well within the Council’s functions to formulate and implement such a provision.

However, the proposed amendments in submission **010.04 – Kaikoura District Council** that the entire span be marked is unclear and could be misinterpreted. For this reason, this part of the submission is rejected.

d. Amendments necessary

Amend 10.6.2 General Standard (a) to read as follows:

“ *Hazard to aircraft: The following lines shall be marked or otherwise highlighted in accordance with Civil Aviation Authority rules Part 77 (“Objects and Activities Affecting Navigable Airspace”), and any subsequent amendment or replacement to those rules:*

- *lines which span valleys, river beds or the surface of water and which have a span greater than 50m and where any part of the span has a height greater than 30m above the ground or water directly beneath that part of the span.”*

31. 10.6.2 General Standards (c)

a. Submitter and hearing

Sub No	Submitter	Status	Relief Sought
122.11	Vodafone NZ Ltd	oppose	Replace 3.5m with "4.0m".
131.22	NZ Historic Places Trust	oppose	Add: "(viii) any heritage values"
119.82	Department of Conservation	oppose	Amend the first sentence of Rule 10.6.2 (c) as follows: "Utility Buildings shall not in height and shall be located no less than 30 metres from the margins of any water body or the coast."
<i>F010.14.22</i>	<i>Federated Farmers (East Coast)</i>	<i>oppose</i> <i>131.22</i>	<i>Restrictions on archaeological sites that may not exist is ridiculous - more consultation/investigation is needed.</i>
<i>F022.09</i>	<i>Marlborough Lines</i>	<i>oppose</i> <i>119.82</i>	<i>Submission does not acknowledge the reality that operational requirements dictate the siting of utilities.</i>
<i>F002.12</i>	<i>Telecom NZ</i>	<i>oppose</i> <i>119.82</i>	<i>Submission does not recognise technical & operation constraints on location, or minor effects of small buildings.</i>
<i>F008.17</i>	<i>Environment Canterbury</i>	<i>support</i> <i>119.82</i>	<i>Location of utilities within riparian margins can have more than minor effects.</i>
<i>F031.20</i>	<i>MetService</i>	<i>oppose</i> <i>119.82</i>	<i>It is unreasonable and restrictive to require a 30m arbitrary setback and this is not effects based.</i>
V20.07	Department of Conservation	Support	Accept the proposed variation - addition of "(viii) any heritage or archaeological values."

b. Decision

Accept the following submissions:

- 122.11** **Vodafone NZ Ltd**
- 131.22** **NZ Historic Places Trust**
- V20.07** **Department of Conservation**

Accept the following submission and further submissions in **part**:

- 119.82** **Department of Conservation**
- F022.09* *Marlborough Lines*
- F002.12* *Telecom NZ*
- F008.17* *Environment Canterbury*

F031.20 MetService

Reject the following further submission:

F010.14.22 Federated Farmers (East Coast)

c. Reason

1. 122.11 – Vodafone NZ Ltd

It is acknowledged that standard Vodafone equipment shelters are 3.9m high. It is therefore considered reasonable to increase the maximum permitted height to 4m for the following reasons:

- (i) To accommodate these standard utility buildings.
- (ii) The additional 500mm is unlikely to result in adverse effects.
- (iii) Buildings are generally permitted in all zones to heights exceeding 4m.
- (iv) To ensure consistency with amendments introduced to the Plan via Variation 2.

2. 131.22 - NZ Historic Places Trust

It is considered reasonable to include this matter for discretion, given that the district contains a number of heritage buildings and archaeological sites. This will also ensure consistency with other decisions and Plan provisions.

3. 119.82 - Department of Conservation

The submission is accepted in part to the extent that the riparian provisions of the Plan still apply to utilities.

d. Amendments necessary

None.

32. 10.6.2 General Standards (d)

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
116.06	Telecom New Zealand Ltd	support in part	Amend to refer to radio frequency emissions and standards.
121.04	Broadcast Communications Ltd	support	Retain.
122.12	Vodafone NZ Ltd	support	Retain.

b. Decision

Accept the following submission:

116.06 Telecom New Zealand Ltd

Accept the following submissions **in part**:

121.04 Broadcast Communications Ltd

122.12 Vodafone NZ Ltd

c. Reason

1. 116.06 – Telecom New Zealand Ltd

It is considered appropriate to provide the relief sought, as it provides clarity and certainty to plan users and is technically more correct.

2. 121.04 - Broadcast Communications Ltd & 122.12 - Vodafone NZ Ltd

The submissions are accepted in part to the extent that the provision has been retained but amended as a result of Telecom’s submission.

d. Amendments necessary

Amend 10.6.2 General Standard (d) to read:

“ With regard to levels of exposure to radio frequency emissions, radiocommunication and telecommunication facilities shall comply with the non-occupational standards specified in NZS 2772.1:1999 Radiofrequency Fields Part 1: Maximum Exposure Levels – 3kHz to 200GHz; and NZS 6609:1990 Part 2: Radiofrequency Radiation – Principles and Methods of Measurement 100kHz – 300GHz; and any subsequent replacement or amendment to that standard.”

33. General

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
120.10	Meteorological Services of NZ Ltd	support	None sought.

b. Decision

Accept submission **120.10 Meteorological Services of NZ Ltd in part**

c. Reason

Support for the section in general is acknowledged. The submission is accepted in part to the extent that the section has been amended as a result of submissions.

d. Amendments necessary

None.

34. New Provision

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
133.22	Marlborough Lines Ltd	oppose	Add a new rule exempting electricity suppliers from complying with the noise levels contained in all zone standards.

b. Decision

Reject submission **133.22 Marlborough Lines Ltd**

c. Reason

The introduction to Section 10 – Utilities, as amended by the decisions, makes it sufficiently clear that the zone rules do not apply to utilities, unless exempted. It is noted that the noise rules are not exempted and therefore do not apply to utilities. In addition, it has been decided in Section 4 – Definitions to change some of the noise provisions, including the introduction of a new district wide appendix dealing with the measurement of noise. It is also noted that pursuant to section 16 of the Act and regardless of any rules in a district plan, every occupier of land has a duty to avoid unreasonable noise. It is therefore considered inappropriate to provide the relief as sought.

d. Amendments necessary

None.

35. Whole Section

a. Submitters and hearing

Sub No	Submitter	Status	Relief Sought
108.01	Transpower NZ Ltd	support	None sought.
119.66	Department of Conservation	support	Retain, except for specific provisions, see elsewhere.

b. Decision

Accept the following submissions **in part**:

108.01 **Transpower NZ Ltd**

119.66 **Department of Conservation**

c. Reason

Support for the whole section is acknowledged. The submissions are accepted in part to the extent that the section has been retained but amended as a result of submissions.

d. Amendments necessary

None.