

**SECTION 42A HEARING REPORT AND SECTION 32AA FURTHER
EVALUATIONS**

PROPOSED THAMES-COROMANDEL DISTRICT PLAN

VARIATION 1 - NATURAL CHARACTER

5 FEBRUARY 2016

INTRODUCTION

Purpose of the Report

1. This report contains a staff analysis of submissions and further submissions received on Variation 1 - Natural Character to the Proposed Thames-Coromandel District Plan. The purpose of this report is to assist the District Plan Hearings Panel in their consideration of submissions and evidence presented at the hearing. The recommendations contained in this report do not have any statutory weight. They are only intended to assist the Hearings Panel to consider the merits of the provisions in the Variation in light of submissions received.
2. In preparing this report the Reporting Officer, Kirsten Williamson, has considered all submission points and further submissions relating to the Variation. The recommendations address every submission point and further submission in the summary of decisions requested in Appendix 5. Appendix 1, 2 and 3 of this report contains a track changed version of the Variation along with consequential changes showing the effect of the recommendations in this report. Appendix 4 shows recommended amendments to the overlay maps.
3. In considering the submissions the Reporting Officer has had regard to: the RMA; the NZCPS; the RPS; the Proposed District Plan; submissions received on the Plan and evidence heard at the Hearings; the Section 32 analysis as notified; and the Council's statutory obligations. At the time of preparing this report the Reporting Officer was also able to take guidance from the Hearing Panel's deliberations on the Plan.
4. This report is also a further evaluation under Section 32AA of the Resource Management Act 1991. The decision-making record of the Plan's Hearing Panel may refer to this evaluation as part of the requirements under the Act.

Staff and experts

5. This report has been prepared by Kirsten Williamson, Senior Policy Planner with technical input from Ben Frost, Senior Landscape Architect. Kirsten holds a Master of Social Science degree and a Post Graduate Diploma in Resources and Environmental Planning from Waikato University. She has been practising as a planner for 12 years and has been working on the Thames-Coromandel District Plan Review since 2011, initially as a contractor and more recently as a Council employee.
6. Ben is a Registered Member of the New Zealand Institute of Landscape Architects with 10 years professional experience. Ben is a Senior Landscape Architect with Beca where he is involved with landscape planning and assessment, including the evaluation of visual, landscape, and natural character effects related to energy and infrastructure projects, mining, coastal/rural/urban development, and estuarine management. Ben has led and completed a number of landscape assessments that identified natural character, amenity and landscape values at both district and regional scales. Recent studies include the landscape and natural character assessment of the West Coast Region (south Island), Natural Character Assessment of the Auckland Region, Evaluation of Geological Sites and Landforms and whether they qualify as Outstanding Natural features across the Auckland Region.
7. The recommendations in this report are based on Kirsten's planning analysis and Ben's technical assessment of natural character.

Abbreviations

CPOA	Coromandel Property Owners Association
CMA	Coastal Marine Area
HGMPA	Hauraki Gulf Marine Park Act
HNC	High Natural Character
MBFB	Mercury Bay Forest & Bird and the Royal Forest and Bird Protection Society of NZ
NZCPS	New Zealand Coastal Policy Statement
ONC	Outstanding Natural Character
RMA	Resource Management Act
RPS	Regional Policy Statement
The Council	Thames-Coromandel District Council
The Plan	Proposed Thames-Coromandel District Plan

ANALYSIS AND RECOMMENDATIONS

Overview of submissions

8. The Variation provides the policy framework and provisions for Natural Character to be integrated into the Proposed District Plan. One hundred and sixty submissions were received covering 667 submission points, along with 39 further submissions. The submissions both support and oppose the Variation. There was substantial support for the Variation and its provisions and this is acknowledged.
9. Key issues raised through submissions relate to the inclusion of land within the overlay that contains farming, forestry and other human related activities (i.e. buildings), and if these activities are retained in the overlay, whether adequate provision has been made to enable their continuation. In addition to this, specific concern was also raised in relation to reasonable use of land. Submissions of this nature questioned the rules relating to clearing indigenous vegetation, earthworks, buildings and dwellings. Provision for subdivision has also been rigorously questioned. Matters for consideration include providing incentives for subdivision of properties where natural character has been identified which would result in areas being protected and enhanced in return for development rights outside of the protected areas.
10. This report has been structured to initially address some fundamental issues relating to:
 - why the Plan addresses natural character;
 - how the Variation relates to the Coastal Environment;
 - how the Variation relates to areas under existing legal protection;
 - methods/incentives outside of the District Plan;
 - how the overlay works; and
 - general comment.
11. The report will then go onto address the assessment and extent of the overlays, including the inclusion of existing land uses. Based on these discussions the report will then address specific amendments to the policy framework and overlay provisions of the Variation.
12. Directions from superior documents, particularly the NZCPS, RMA S.6 (a), HGMPA and the RPS, have strongly influenced analysis of the issues raised in this report and are mentioned where appropriate. The analysis of submissions has also been undertaken in the context of

the Plan and its ultimate integration into it. As a result the analysis seeks to maintain consistency with the Plan provisions as notified and has been informed by direction provided from the Hearing Panel's deliberation on the Plan.

13. Where amendments in response to submissions are supported they are shown as track changes in Appendix 1-4.

Why the Plan addresses natural character

14. A number of submitters seek deletion or withdrawal of the Variation or combining the provisions for ONC and HNC. The Council must prepare a district plan for its district to assist it in carrying out its functions to achieve the sustainable management purpose of the RMA. The Plan is required to give effect to national policy statements and regional policy statements and must not be inconsistent with regional plans and any applicable water conservation orders.

15. To achieve the purpose of the RMA Part the Plan must address the matters of national importance in S.6 which includes:

(a) the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.

16. There is a hierarchy of planning documents and subordinate plans. Under the RMA (S.62 and S.75 respectively) the purpose of the NZCPS is to state policies in order to achieve the purpose of this Act in relation to the coastal environment, giving substance to RMA Part 2. An RPS must give effect to the NZCPS and a District Plan must give effect to the NZCPS and RPS. The RMA therefore provides a framework for the formulation and promulgation of a cascade of planning documents, each of which is intended to give effect to Part 2. As you go down the hierarchy each document provides greater specificity to substantive content and to locality.

17. This was reinforced through the 'Salmon' case¹ where the Supreme Court stated "the NZCPS translates the general principles of the RMA to more specific or focussed objectives and policies." The RPS identifies objectives, policies and methods in relation to the region while the District Plan identifies objectives and policies at the local level and includes rules and, in some cases, other methods to achieve the policy framework. Both the NZCPS and RPS are specific about how adverse effects on ONC and HNC are to be managed - 'avoid' for ONC and 'avoid significant adverse effects' and 'avoid, remedy or mitigate' other adverse effects for HNC.

18. In summary, submissions questioning: the need for the Plan to address natural character; different treatment of ONC and HNC; and those that seek withdrawal of the Variation are not accepted as this requirement is mandated by RMA S.6 (a) and the proposed objectives and provisions are considered an appropriate method to achieve the purpose and principles of the RMA and give effect to the NZCPS and RPS.

How the Variation relates to the Coastal Environment

19. A number of submitters raise concerns around the mapping of natural character into the Coastal Marine Area and its effect on existing marine farms. Both the NZCPS and the RPS

¹ *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38

require identification or mapping of natural character within the coastal environment only. The RPS goes so far as to provide criteria to be used when identifying areas of high and outstanding natural character but only in relation to the coastal environment.

20. In response to the submissions on the Proposed District Plan work was commissioned to review the approach to the identification of the natural character areas and the extent of the Coastal Environment was revisited. This work resulted in a revised 2015 Coastal Environment line mapping its landward extent. From this reassessment the identification of areas of high and outstanding natural character in the Plan was able to be expressed within the extent of the Coastal Environment.
21. Building on this work the Beca Natural Character Assessment, which forms the basis of the Variation, uses the revised 2015 Coastal Environment Line. In the Beca Assessment the areas of natural character are shown to extend out into the Coastal Marine Area. The Natural Character Overlay Planning Maps included in the Variation, which will become part of the District Plan, snap these areas back to match the Council's area of jurisdiction being landward of Mean High Water Springs. The submitters can take comfort that activities in the Coastal Marine Area (i.e. below mean high water springs) are not subject to the Variation or District Plan provisions and are in fact outside of the Council's jurisdiction.

How the variation relates to areas under existing legal protection

22. Several submitters questioned application of the natural character overlay rules to areas already under legal protection with the QEII National Trust. In general, amendments are sought to the Variation provisions to ensure that the rules do not impede works required under conservation/open space covenants (maintenance, restoration, pest management etc) but also to provide for activities provided for within the covenants.
23. The intention of open space/conservation covenants are not compromised by the Variation. If anything the Variation provisions reinforce the application of covenants where they fall within the natural character overlay (or any other overlay in the Plan) in that they seek to protect the special values identified, in this case high or outstanding natural character, and manage the effects of activities in these locations. It is important to remember that the overlay rules only apply to that part of a property covered by the overlay and activities may occur on the balance of the property i.e. outside the overlay, without being subject to the overlay rules. The Reporting Officer agrees that rules should enable works to continue which relate to the purpose of the covenant. For example as outlined in the QEII submission, clearing of tracks for pest management, fencing etc. This is easily achieved by amendment to the existing provisions to expand what is meant by ecosystem restoration works and making provision for works required to meet the conditions of a QEII covenant or any other conservation type covenant.
24. The Reporting Officer does not agree that owners of property with open space/conservation covenants should be exempt from the District Plan provisions or have any special provisions unless the proposed activity relates to the protection of the identified natural character values and characteristics. In this case, the management of buildings (i.e. dwellings) is appropriately provided for in the Variation, bearing in mind that consideration can be given to locating such activities outside of the Natural Character Overlay. Where this is not possible or practicable, the Variation provides an appropriate framework for the management of effects based on the identified natural character values and characteristics.

Methods/incentives outside of the District Plan

25. Several submitters seek inclusion of other methods in the Variation such as financial support, and/or incentives to landowners with natural character identified on their property. In this Variation (and the Plan) the approach taken has been for the 'methods' to generally be limited to the matters over which the Council has control through the District Plan - via the objectives, policies and rules. In the limited situations where other methods outside the Plan have been included this is because the Council has agreed to their inclusion and staff believe the implementation of these is achievable and likely. It would be misleading for the Variation (or the Plan) to include methods that the Council has not committed to or set aside funding for, thus being reliant upon a process outside of the District Plan.

How the overlay works

26. A number of submissions raised questions about how the overlay interacts with other Plan provisions, property boundaries and requirements to 'ground truth' the overlay. In all cases the Reporting Officer does not support any changes requested and instead considers that some clarification is needed.
27. In the Plan the overlays, including the Natural Character Overlay, sit above the district-wide and zone rules. The overlays are used to identify the special values of the District, including the RMA matters of national importance. Where a site has an overlay above it, the Overlay objectives, policies and provisions only relate to that part of the site covered by the Overlay, not the whole site. Application of the Overlay does not require owners to undertake ground truthing, as the extent of the ONC and HNC is shown on the overlay maps in the Plan. Further to this, costs to consent applicants can be greatly reduced by using the Beca Natural Character Assessment. Depending upon the nature of applications, a site specific assessment may become an essential component of a discretionary or non-complying resource consent application (i.e. a discretionary application for a conservation lot under Section 38 Rule 8), but this is not implicit to the application of the Overlay.
28. The mechanics of the Overlay are the same as set out in Section 1.3 and 1.6 of the Plan. Where an activity has not been specifically addressed in the Overlay the Plan user goes back to the activity status and standards in the underlying zone.

General comment

29. A number of submitters raised concern about private property rights including involvement in the natural character assessment process, intrusion on private property rights, inclusion of Maori interests and the Council's ability to access private land. All of these concerns have been considered by the Reporting Officer and are addressed in this Report - the exception being access to private land. Submitters can take comfort that private land was not entered at any stage during the assessment process. All assessments were undertaken from public viewing/access points and used a range of techniques including sea view maps, aerial photography etc.

Overlay Maps

Retain/extend the overlay

30. A number of submissions requested extension of the outstanding and high natural character area boundaries. In most cases those areas within the extensions sought exhibit moderate levels of natural character, where farming activities, exotic vegetation, structures and human modification are prominent. With natural character occurring on a continuum from pristine to highly modified, the extensions suggested act as a buffer/ transition between areas of high natural character and those more highly modified areas of the coastal environment. In addition, the context of an area within the coastal environment is a key consideration in determining the level of natural character, where an area's position relative to more highly modified parts of the coastal environment starts to affect its intactness and integrity. As a result, the majority of the requested extensions of natural character areas are not recommended to be included in the Overlay.
31. Furthermore, several submissions requested inclusion of harbour and estuarine areas below the MHWS in the Natural Character Overlay. However, these areas are outside the jurisdiction of TCDC and have consequently been excluded.
32. Following the review of submissions relating to extending natural character areas, amendments to the boundaries of units 46 and 77 are now proposed. A re-evaluation of these areas has revealed a consistency of high values between adjoining areas of high natural character. The following attributes were considered critical to this determination:
- Landforms –physically and visually part of the same natural geomorphic terrain/feature that remains intact;
 - Land Uses/Activities/Structures - development in close proximity to the extended areas is considered to be subservient to the natural elements, patterns, processes - largely due to the intactness and of the coastal landform feature and vegetation cover;
 - Context/Setting – clearly has a connection with adjoining parts of the coastal environment that enhance the naturalness of the extended area.
33. The recommended extensions to natural character units include:
- a) Unit 77 – extends to include Maungaruawahine (refer to Appendix 4)
 - b) Unit 46 – extends to include all of Kamakamakura Point (refer to Appendix 4).

Reduce the overlay

34. A number of submitters requested reducing the outstanding and high natural character overlay for their particular properties. While the majority of these provide no specific guidance or maps as to the rationale for reducing the area of natural character, all of the subject natural character units and properties were reviewed.
35. With the exception of those natural character units listed below, the suggested reductions are not supported because they would not accurately reflect the characteristics and values that they were assessed against. For example, many of the submissions seek a reduction of certain areas within a unit and where modification occurs. The submissions in question largely focus on reduction of the units due to the presence of pastoral land and production pine forests (i.e. land cover and vegetation modification). It is important to recognise here the distinction between establishing the extent/ boundary of an area and determining whether it is high or outstanding in terms of natural character. Establishing an area boundary is a spatial process driven largely by landform (i.e. ridgelines, gullies, valley edge/ slope interface etc) and other physical attributes such as waterways, vegetation patterns and associate experiential/

aesthetic attributes. The presence of human modification like buildings, pastoral land and exotic vegetation is unlikely to influence the extent of a landscape unit (i.e. where the line is drawn) but it may well have a direct bearing on whether a unit is considered high, outstanding or otherwise in natural character terms.

36. In this sense, a number of submissions requested the classification of particular natural character areas be reduced from outstanding to high – but provided little justification as to why. Upon review of those submissions, it is considered that all outstanding natural character areas and their boundaries have been accurately assessed and no reductions or amendments to these classification be made.
37. Following the review of submissions requesting a reduction of specific natural character units the following recommendations are made:
- Unit 9 – minor boundary adjustment to follow the top of the ridge excluding land on property 100439 (see Appendix 4).
 - Unit 46 – reduction of the boundary within the eastern valley to avoid contiguous areas of modification behind the campground. The whole of Kamakamakura Point is to be included (see Appendix 4).
 - Unit 50 – reduction of the boundary along the part of the valley flats to avoid areas of reclamation, drainage, and dwellings. The redefined boundary follows the transition between salt marsh and pasture (see Appendix 4).
 - Unit 51 - minor reduction (see Appendix 4).
 - Units 11, 13, 19 – amend the Beca Assessment to specifically make reference to marine farms (existing and consented) within those units in the evaluation table descriptions.

Remove/reduce forestry, farming and human activities from the overlay maps

38. A large number of submitters requested the removal of the outstanding and high natural character overlay from all or part of their property. Having reviewed the submissions it is clear that a high degree of emphasis has been placed on the presence of modified land cover and the overall conclusion that all areas of forestry, farming, and human activity should be excluded from areas of high natural character.
39. As mentioned previously, the determination of whether an area exhibits high or outstanding natural character requires an overall ‘on balance’ judgement. It is not a case of all attributes and associated values being given a “tick” or being exceptional on their own for a unit to be considered high or outstanding in natural character terms. It is common place for coastal areas that rate highly in terms of overall naturalness, to have pockets of modified land and potentially few attributes with high or very high ratings and on rare occasions it may be that an individual attribute may rate so highly and be of such value in natural character terms that it ‘carries’ an entire unit across the outstanding threshold.
40. With this in mind and having assessed the submissions in question it is recommended, with the exception of those units listed above, that the presence and associated extent of the remaining natural character units remain as notified.

Remove natural character areas

41. A large number of submissions requested removal of the outstanding and high natural character overlay from their properties but provided no justification as to why. Without any

information to consider the Reporting Officer does not support any wholesale removal of natural character areas.

Beca Assessment

42. Several submissions question the method, accuracy and classification of the natural character assessment. The Thames-Coromandel District Natural Character Assessment was developed based on best practice assessment taking into account NZCPS Policy 13, the outcomes of two workshops held in 2011 by the Department of Conservation to discuss the implementation of Policy 13, the DOC Guidance note on NZCPS Policy 13, and the RPS natural character assessment criteria.
43. In that context, the scope of the notified assessment did not include a wholesale re-evaluation of natural character boundaries. Rather it was based on earlier work undertaken as part of the District Plan process in response to submissions (before the natural character objectives and provisions were withdrawn) and was limited to application of the assessment criteria in Table 12-3 of the Regional Policy Statement on the natural character units already mapped.
44. Notwithstanding the recommendations above, it is considered that the descriptions and evaluation of high and outstanding natural character units accurately reflect the biophysical characteristics and perceptual values of the coastal environment.

Section 7A Natural Character Overlay

Section 7A.1 Background

45. Several submitters note that the Variation is focussed on natural character of the Coastal Environment and doesn't identify natural character associated with wetlands, lakes and rivers and their margins. A request has also been made to change the title of Section 7A to Natural Character of the Coastal Environment while another submitter seeks an amendment to Section 7A.1 Background to make this clearer.
46. Both submitters are correct in that the Overlay is confined to identifying areas of HNC and ONC within the Coastal Environment. The simple reason for this is that the District boundaries are primarily coastal and a large portion of our wetlands and natural character of rivers is contained within the revised 2015 Coastal Environment. The District has many rivers reaching far into the interior of the District and submitters on the Proposed District Plan told the Council that they did not support identification of natural character that far inland. The Reporting Officer supports some minor wording changes to Section 7A.1 to make it explicit that the overlay aligns with the Coastal Environment but does not support changing the title of the Overlay.
47. Amendments are also sought to ensure that the Background accurately reflects the NZCPS and RPS. While specific wording was not provided the Reporting Officer suggests minor amendments can be made to the first paragraph to provide more detail about the NZCPS and RPS. Whether these adequately address the submitters concerns will be a matter for them to address at the Hearing.
48. Opposition was lodged to that part of the second paragraph of Section 7A.1 that refers to management of natural character outside the Natural Character Overlay. As previously discussed, both the NZCPS and RPS are quite specific about identifying opportunities to

restore or rehabilitate natural character. The Variation proposes to address these opportunities outside of the Overlay through objectives and policies in the Coastal Environment Overlay and Rural Area policy for degraded/compromised areas of natural character. These would be considered in relation to discretionary or non-complying resource consent applications only. The submitters' relief to delete that part of the second paragraph is not supported.

Section 7A.1.1 What is Natural Character?

49. Section 7A.1.1 of the Variation was included to provide some background to natural character through the hierarchy of policy documents, and explain how its meaning has evolved and been shaped through practice, to how it is applied in the Variation. Submissions on this section of the Variation question the explanation of how natural character is defined; why reference is made to national workshops; and another group of submissions seek amendments to correct errors in the RPS criteria included in this section.
50. Under the RMA and accepted assessment practice, natural character relates to the expression of natural elements, patterns and processes in the coastal environment (including the coastal marine area) wetlands, lakes and rivers and their margins. In accordance with the NZCPS, the natural character assessment of the Thames-Coromandel District specifically focuses on the coastal environment, which includes wetlands, lakes and rivers and their margins where they exist within the coastal environment. In response, amendments are recommended as shown in Appendix 1 to address submitter concerns. Not all the changes sought by submitters are supported but errors have been corrected, and effort has been made to confine the explanation of natural character and more succinctly explain the difference between high and outstanding.
51. A number of submission points relate to the table containing the RPS assessment criteria for identifying areas of high and outstanding natural character in the coastal environment. Some submitters have correctly identified that there are some errors in the version contained within the Variation. The Reporting Officer supports amendments to align this with Table 12C in the RPS. The Reporting Officer does not support wording changes to the criteria based on submitters' preferences, or inclusion of additional criteria, which are not part of the RPS. It is not appropriate for the District Plan to include a 'version' of the RPS criteria.

Section 7A.2 Issues

52. An amendment is sought to Issue 1 to include the word 'inappropriate' in relation to subdivision, use and development. The change sought takes the wording from RMA S.6 (a) where it refers to preservation of natural character and protection of it from inappropriate subdivision, use and development. The Reporting Officer supports the change sought as subdivision, use and development becomes inappropriate where these effects occur. There are other similar submissions in relation to the Objectives and provisions seeking inclusion of the word 'inappropriate' and these changes are also supported. Similarly, an amendment is sought to Issue 1 to clarify that subdivision, use and development do not necessarily degrade the values and characteristics of natural character. The relief provided in response to the previous submissions is considered to address this concern. Other amendments sought by submitters to this section are not supported by the Reporting Officer, particularly deletion of 1f). Perceptual values are a category of assessment criteria in the RPS which forms part of the overall natural character assessment. It is incorrect to say that that people's perception and

appreciation is a by-product of other factors. While it may be subjective, in that it requires a qualitative assessment, it is nonetheless valid.

53. Surfbreak Protection Society Inc (124.1) seeks inclusion of 'surf breaks' in Issue 1(e). NZCPS Policy 13(2) (c) identifies surf breaks as matters which may be included as natural character. While surf breaks are in the CMA, which is outside of the Council's area of jurisdiction, they could be included in the Issue to recognise that activities occurring on the land have the ability to affect surf breaks. However the Reporting Officer considers in the context of the issue, being limited to natural character of the Coastal Environment within the District, this would be misleading and does not support the amendment. MBFB (149.5) seeks an amendment to Issue 1(e) to include 'wetlands and associated margins.' The Reporting Officer supports this amendment as wetlands and their margins do form part of the identified natural character areas.
54. CPOA (143.9) also seek inclusion of a new issue acknowledging that the coastal environment is a productive environment where people live, work and play. Specific wording for the issue was not provided and while the Reporting Officer agrees that this is the case, it is no different to any other part of the District in that people live and work here and people come here to recreate. The submitter may wish to provide some wording at the hearing for the Hearing Panel to consider.
55. Bruce and Christine Vickerman and others (144.4) also seek inclusion of a new issue addressing the economic, social and cultural impacts of Council control of land use. In the Variation (and the Plan) an issue is an existing or potential problem that must be addressed, or a particular resource to be protected or enhanced, to promote the purpose of the RMA. The Reporting Officer does not agree that the matters raised by the submitter are resource management issues that need to be addressed through the policy framework. They are potential outcomes, perceived or otherwise, from implementation of the Variation provisions. Inclusion of a new issue is not supported.
56. Graeme and Gloria Ready (90.3) also seek amendments to a)-f) of Issue 1 and offer some wording in their submission. The Reporting Officer does not believe that the wording offered adds value to the identification of the issue or the matters which can degrade the values and characteristics of identified natural character. The standard of inappropriateness must be related back to the natural character values and characteristics of the area that is to be protected or preserved.

Section 7A.3 Objectives and Policies

Objective 1

57. Considerable support was received for the Objectives and Policies. Other submissions generally oppose Objective 1 or seek amendments to align it with the RMA, NZCPS and RPS, including addressing all levels of natural character - not just outstanding and high. In the Variation (and the Plan) objectives are a statement of what is to be achieved through the resolution of the resource management issue/s. From here the policies set the course of action to be adopted to achieve or implement an objective. Various submitters offered different wording solutions, none of which the Reporting Officer prefers over another or the Variation as notified. Minor amendments to align the wording with higher level policy documents is supported along with an amendment to reinforce that the overlay is restricted

to the Coastal Environment (which is expressed through the Plan as an overlay). Otherwise it is recommended that Objective 1 be retained.

58. Some submitters appear to be confused about how the Variation separates and addresses identified areas of natural character (i.e. ONC and HNC) from other areas (i.e. degraded/modified). The Natural Character Assessment identifies areas of ONC and HNC in the Coastal Environment only, and it is these areas that have been included in the overlay. Areas that haven't been identified automatically fall into the 'other areas' category as degraded/modified (i.e. less than high). Outside of the Overlay the Variation includes objectives and policy to be inserted into Section 7 Coastal Environment and Section 24 Rural Area to address these 'other areas' and opportunities to restore/rehabilitate/enhance them.

Policy 1a

59. Several submitters seek amendments to Policy 1a to apply to all areas of natural character in the Coastal Environment. Paragraph 46 and 58 above provide some commentary regarding this request. The changes sought are not supported.
60. Support was received for Policy 1a without amendment. Conversely, other submitters oppose Policy 1a, each seeking different outcomes. Graeme and Gloria Ready seek amendments to replace the words 'values and characteristics' with 'qualities and features.' This is a theme they carry on through their submission points to the Variation. The submitter is relying on the RPS definition on natural character which uses the words 'qualities and features.' In the Variation however the words 'values and characteristics' are used for consistency with the RPS assessment criteria, which has bio-physical characteristics and perceptual values as the key headings. This request may highlight an inconsistency in the RPS terminology but for the purpose of this Variation the changes are not supported.
61. CPOA and Tasman Buildings both oppose Policy 1a, but specifically in relation to d) relating to the vulnerability of the ecosystem and its representation in the District. CPOA also usefully note that the Policy does not include consideration of RPS Policy 12.3 e) relating to the functional necessity of activities being located in or near the coastal environment and request that this be included. Policy 1a takes its direction from the RPS implementation methods 12.3.1 which sets out what the Plan shall include and have particular regard to. The Policy gives meaning to these methods at a local level based on the unique nature of the District and its resource management issues. The Reporting Officer supports inclusion of a new point in Policy 1a) addressing the functional necessity of activities being location in or near the coastal environment where no other practicable alternative locations exist.
62. EDS suggest relocating Policy 1a to become Policy 1c as it sets out the tools to achieve the outcomes sought in Policy 1a and Policy 1b. Amendments are also sought to provide for consideration of access to significant surf breaks and assessment matters in Section 32A. The Reporting Officer is neutral about the order of the Policies believing that there are benefits either way. In relation to surf breaks the NZCPS policy seeks to avoid adverse effects of activities on access to surf breaks of national significance. The Policy does not prioritise this above the preservation of natural character. In this instance the Reporting Officer does not believe this is an issue that warrants specific inclusion in the Policy.

Policy 1b

63. Submissions points on Policy 1b seek a variety of amendments based on individual preference of wording and interpretation. The Reporting Officer does not support any of the amendments sought, bearing in mind that the Policy framework needs to be considered in relation to the assessment sheets and the assessment criteria used.

Policy 1c

64. Similar to Policy 1b, submissions on Policy 1c seek a variety of amendments based on individual preference of wording and interpretation of higher level policy documents. The Reporting Officer supports retention of Policy 1c as notified with minor amendment, helpfully pointed out by DOC (70.3), to include the word 'avoided' in addressing 'other adverse effects.'

New Policy

65. Submitters sought the inclusion of additional policy to broaden the scope of the overlay thus increasing the required courses of action and/or widen the policy requirements to achieve the desired outcomes. Submissions of this nature include addressing 'other areas outside of the overlay' i.e. degraded/modified, areas adjacent to areas of ONC or HNC and making specific provision for network utilities. Generally speaking the submitters have either not understood the proposed approach to managing areas not identified as ONC or HNC (i.e. outside of the overlay), or do understand but disagree with the approach. In reading the submissions the Reporting Officer was not convinced that the inclusion of additional policy within the overlay would add value. By identifying areas of ONC and HNC the Plan has provided a clear and targeted resource management framework for natural character. It should also be noted that this District is rich in areas of natural character and the Council has opted to focus its efforts in the Plan to those areas identified as ONC and HNC.

Section 7 Coastal Environment and Section 24 Rural Area

66. The intention of the new issue, objective and policies for Section 7 and Section 24 are to address opportunities for the restoration of natural character (NZCPS Policy 14 and RPS Policy 12.3 d). Submitters have picked up on tensions between NZCPS Policy 14 which refers to 'restoration' and 'rehabilitation,' and RPS Policy 12.3 d) which brings 'enhancement' into the mix. Use of words and their meaning is important. In this case the Reporting Officer acknowledges the submitters' concerns but believes that the intention of the RPS is consistent with the NZCPS in that restoration encompasses enhancement. However, for ease of use it is recommended that the word 'enhance' be removed from the objective and policies.
67. Questions have also been raised on whether the Policies were intended to apply to all areas of natural character or just those degraded/ modified areas. The NZCPS Guidance Note on Policy 14 notes that implementation of Policy 13 (preservation of natural character) can provide a focus for restoration while helping to identify areas where restoration is a priority. It goes on to note that there are a number of ways to achieve the intent of Policy 14(a) (identification). The approach taken in the Variation was to identify and map areas of ONC and HNC. Outside of these areas are other areas that are referred to as 'modified' or 'degraded' areas of natural character in the Variation. In the Variation restoration/rehabilitation opportunities have been targeted at these areas. Equally the Council could have adopted a broader approach to restoration of natural character, applying it to all areas of natural character and still be appropriately giving effect to the RPS and NZCPS.

68. While the Reporting Officer supports the targeted approach adopted by the Council, focussing restoration/rehabilitation efforts on areas that are not ONC or HNC, the opportunities for restoration and rehabilitation could also be extended to areas of ONC and HNC areas by inclusion of an additional objective and policy. These would then be considered in assessing an application for a discretionary activity under Section 38 Rule 8 (conservation lots). To address submitters' concerns it is recommended that minor amendments are made to Section 24 and Section 7 and an additional objective and policy is added to Section 7A.3.

SECTION 32A NATURAL CHARACTER OVERLAY

General

69. A number of submission points seek minor amendments to improve the readability, efficiency and effectiveness of Section 32A provisions and correct numbering errors. There are a variety of such changes and the Reporting Officer supports these without the need for further formality.
70. Generally speaking, there were a considerable number of submitters who questioned the activity status of various activities across the rules. The activity status applied to each rule has been carefully thought through in relation to the Plan hierarchy, the special values the overlay is seeking to preserve and protect and activity status's applied to these activities in other overlays. The Reporting Officer has also considered the Panels direction provided through deliberations and does not support any of the amendments sought and maintains the position that each activity is appropriately managed through its assigned activity status.
71. In relation to the submissions on public notification of resource consents, RMA S.95A (3) (a) allows a consent authority to have a rule in a Plan that precludes public notification, or that requires limited or public notification of an application. Looking at the wider context, the Plan uses the powers from S.95A (3) (a) in two ways. Firstly, some resource consent applications for activities that are anticipated in a zone/overlay and are promoted for landowners to 'do the right thing', or where the effects are appropriate for the zone/overlay, and/or little benefit would be gained from the process of public notification, are to be non-notified, or at least not publicly notified. A clause has been added to rules managing these activities to give certainty to applicants that their applications will not be notified, or at least not publicly notified. Throughout the Plan process Staff have continued to support the approach taken in the Plan. There are no blanket rules stating that all controlled or discretionary activities should be non-notified as in some situations it may be appropriate to publicly notify these types of activities - for example, where 'special circumstances' exist, or a scale threshold is breached, where a rule in a national environmental standard requires notification, or there are broad effects on the local community.
72. The second way that S.95A (3) (a) has been used is where rules have clauses that state resource consent applications will always be publicly notified. This clause is used sparingly where an activity has the potential for a significant impact on different sectors of the community and the community have made it clear they want to be notified of any application for this activity. Public notification in these situations gives the community certainty that they will be able to have their say on an application that they have an interest in. The Reporting Officer does not support any of the submissions in relation to public notification requests and is confident with the limited rules where non notification has been specified. Other than these rules the notification decision lies with the consent planner responsible for processing an application.

Any other activity - Rule 1 (HNC) and Rule 11 (ONC)

73. Rule 1 and Rule 11 generated significant interest from submitters. While submission points generally focussed on specific limbs of the Rules, collectively submissions question the rule in its entirety. It is important to reiterate here that the rules only apply to activities within that part of a site that is identified as ONC or HNC, not other parts of the site outside of the overlay. These rules pick up the 'other' activities in the underlying zone which are permitted, controlled or restricted discretionary that are not specifically provided for elsewhere in the Overlay rules. The rules provide additional specific parameters around the scale and location of these activities and certainty for Plan users.
74. The Reporting Officer is mindful of the requirements in the RMA and higher level policy documents that direct the natural character provisions in the Plan. It is not the intention of these documents, or the Plan to 'lock out' subdivision, use and development. Rule 1 and 11 provide an appropriate framework, focused on sustainable management of natural character and give effect to the Policy provisions. The rules were drafted to be consistent with direction given by the Hearings Panel in relation to ONFL's bearing in mind that the RMA requires preservation of natural character and protection from inappropriate subdivision, use and development. When the scale and scope of an activity exceeds the standards, the restricted discretionary status allows for the effects of that activity on the natural character area to be addressed. The matters and assessment criteria in Table 2 have been carefully considered and are specifically targeted towards ensuring the values and characteristics of the natural character area are preserved.
75. The Reporting Officer is not convinced that the relief sought by submitters is superior to the provisions of the Rules and has not been presented with any evaluations demonstrating such. Submitters may wish to present evidence at the Hearing for the Panel to consider but at the time of writing this report the relief sought by submitters is not supported. One amendment is supported, involving removal of standard c) restricting the location of activities in relation to a permanent water body. After considerable thought, and while the Report Officer acknowledges that the water body may be one of the characteristics attributed to the natural character area, it does not necessarily add value to the provisions. The circumstances in which activities are provided for are carefully managed. In the event that an activity is located in such close proximity to a water body it is also likely to trigger vegetation and/or the earthwork rule. The Reporting Officer also supports removal of this standard from Rules 3 and 13.
76. Picking up on an early discussion in relation to the inclusion of farm land in the overlay and/or excluding farming from the provisions, the management of effects is not about the purpose of the activity. For example, it is irrelevant what the purpose of the activity is as the Plan is concerned about the effects that arise from activities, not the activity itself. In this way the Plan does not discriminate against certain land uses and the relief sought by submitters to exempt farming from the provisions in Rule 1 and the rest of the rules is not supported. Having said this, it is appropriate to clarify that none of the Rules in the Variation diminish existing use rights and relate only to new proposed activities. Hopefully this clarification will address some submitter concerns regarding these rules and their alleged impediment to existing farming activities.

Clearing Indigenous Vegetation - Rule 2 (HNC) and Rule 12 (ONC)

77. These rules were drafted on the basis of where the Plan had arrived at as a result of the District Plan Hearings and with the benefit of direction provided from the Panels' deliberations. In line with the provisions for ONFL's, Rule 2 and Rule 12 provide for limited and specifically targeted clearing of indigenous vegetation. Care has been taken to provide for the on-going nature of existing activities e.g. maintenance of existing fence lines, and activities supporting preservation of existing natural character values and characteristics e.g. ecosystem restoration works.
78. Submissions on these rules are broad, covering all elements of each rule. In relation to 1.a) of each rule, relief is sought to expand and/or clarify the range of activities that are provided for. Specific relief was sought to ensure that it provides for works associated with maintenance and enhancement of special values. For example where a conservation covenant has been established, on-going fencing and track maintenance is able to continue. The Reporting Officer supports amendments to also include protection, rehabilitation and maintenance work and include conservation covenants as an example.
79. In response to submissions on 1.b) a minor amendment is recommended to align the activity with the Panel's direction from deliberations relating to network utilities where the activity now includes 'operation.' Submissions on 1.c) seek inclusion of activities associated with "production forestry" and tracks and clarification of the meaning of 'operational legal road.' Again the Reporting Officer supports the amendments as they provide greater certainty for land users and enable the continuation of existing activities.
80. A number of submission points seek a range of amendments to 1.e) including providing for domestic firewood, excluding manuka and kanuka and raising the limit. The Reporting Officer does not support any of the changes sought on the basis that the Policy is quite clear about what is required to preserve and protect the values and characteristics of natural character areas but also because the overlay rules only apply to that part of a site the overlay covers. Outside of the overlay the vegetation clearance rules in the Biodiversity Overlay apply and greater flexibility is provided there where special values do not exist. One submitter validly points out that the provision requires clarification as to how the limit applies to a site and the frequency of clearance. The Reporting Officer supports amendments to apply the standard to make clear that it applies to the identified area of natural character only, as opposed to the site, and is based on a calendar year. This change focusses the management of effects to the identified area which when considered against the Biodiversity rules suggests to landowners wanting to use indigenous vegetation that they should firstly look to areas outside of the overlay. Limiting the area to the overlay does then raise questions regarding the appropriateness of the volume which the Reporting Officer suggests the Panel should consider during final deliberations.
81. A number of submitters questioned the activity status for clearing vegetation for a building platform. Changes sought ranged from changing the activity status to relying on the underlying zone provisions. The activity status for this and earthworks for a building platform have purposefully been tied into the same activity status for one dwelling per lot (restricted discretionary for HNC or discretionary for ONC). The benefit of this approach for Plan users is that there is certainty in terms of what consents are required where vegetation clearance and/or earthworks are required to establish a building platform. Each element can then be looked at in one application, retaining the same activity status. The Reporting Officer supports the approach in the Variation as notified and does not recommend any changes.

Earthworks - Rule 3 (HNC) and Rule 13 (ONC)

82. The range of amendments sought to the earthworks provisions are similar to those discussed in relation to Rules 2 and 12 above. Amendments are supported to provide for earthworks for the purposes of ecosystem protection and rehabilitation works; to clarify the meaning of roads; to include maintenance of existing driveways and tracks and works associated with plantation forestry; and to include 'operation' as part of the electricity and telecommunication work (refer to paragraph 72 above for reasons).
83. The earthwork rules contain an additional standard not included in the vegetation clearance rules relating to proximity of earthworks to a permanent water body. Submitters have helpfully pointed out this standard impedes water crossings and culverts. While the intention of the standard is laudable in that the water body is likely to be one of the characteristics attributed to the natural character area, it does not necessarily add value to the provisions. The circumstances in which earthworks are provided for as a permitted activity are limited to the on-going nature of existing activities. In the event that earthworks are required in proximity to a water body it is also likely to involve vegetation clearance, triggering that rule. In addition, depending upon the scale of works involved, it is likely that consent will be required from the Regional Council. The Reporting Officer supports removal of this standard from both Rules 3 and 13.

Sign - Rule 4 (HNC) and Rule 14 (ONC)

84. Signs have been provided for in a limited set of circumstances where they are essential to meet legislative/regulatory requirements, including health and safety regulations; provide for public information/safety and support conservation efforts. Submitters seek minor amendments to ensure that signs for pest management; ecological restoration; and pest control are provided for. The Reporting Officer holds that all these situations are provided for with the exception of ecological restoration. An amendment is supported to provide for this in the rules. Some submitters have also pointed out that limiting the amount of signage to one per site is unhelpful when trying to comply with legislative requirements. The Reporting Officer notes that the area limitation does not apply to signs in a)-d). Outside of these purposes the Rule tries to provide for reasonable use and sets some standards around signage as a permitted activity. No further amendments are recommended.

Solar panel - Rule 5 (HNC) and Rule 15 (ONC)

85. While support was provided for Rules 5 and 15 some submitters also raised concern regarding the standards. Submitters have pointed out that the Plan should encourage alternative sources of energy. The Reporting Officer supports the submitters' sentiments and notes that the Rule has been carefully formulated: where a solar panel is attached to an existing building there are no standards; where it is a building in its own right standards are applied to correspond to Rules 1 and 11 (any other activity) and limit the visual effects. Beyond these standards consent is required for a restricted discretionary activity in HNC or discretionary in ONC. The Reporting Officer continues to support this framework and does not support any amendments.

One dwelling per lot - Rule 6 and Rule 16

86. A large number of the submissions on Rule 6 and 16 relate to the activity status. Activity statuses generally are discussed in paragraph 70 above however submissions on these rules demonstrate the diversity of submitters' preferences. For example Rule 6 provides for one

dwelling per lot in HNC as a restricted discretionary activity. Submissions seek changes to the status to become a permitted activity or controlled or seek removal of the Rule in its entirety (placing reliance on the underlying zone rules). It is worth adding a reminder here that the overlay rules only apply to that part of the site in the overlay. If landowners wish to site a dwelling outside of the overlay then only the underlying zone rules apply (unless other special values exist).

Wind turbine - Rule 7 (HNC) and Rule 17 (ONC)

87. Submissions on Rule 7 and 17 are very broad ranging from being more enabling, deleting the rule in its entirety, changing the activity status and adding additional assessment matters. These two rules were drafted from the basis of where the Hearings Panel arrived at in its deliberations on rules for wind turbines in ONFL's. It is desirable to make specific provision for a domestic sized wind turbine in areas of HNC and ONC to encourage self sustainability. By nature wind turbines need to be located out in the open, generally on a ridge or above a house to get a steady stream of wind. They have the potential to be highly visible, affecting the values and characteristics of natural character areas. In certain circumstances it may be possible to locate a wind turbine away from public view, or sufficiently camouflage it to blend in with the surrounding landform. The restricted discretionary activity status in HNC allows a thorough assessment of the activity in relation to its location, design and visibility through the consenting process. The discretionary activity status in ONC sends a stronger signal setting a higher standard whereby the application would be considered against the objectives and policies of the Plan, including those in Section 19 Utilities. The Reporting Officer does not prefer any of the amendments sought by submitters over the Rules as notified. Submitters may wish to present evidence at the Hearing to support why their standards are superior to those in the Variation and appropriate in areas of HNC and ONC.

Telecommunications - Rule 8 (HNC) and Rule 18 (ONC)

88. Submissions were generally in support of Rule 8 and 18 as they relate to telecommunications however some amendments are sought to address upgrading and activity statuses. Submitters seek inclusion of a new rule providing for upgrading of existing network utilities, specifically as a permitted activity in HNC and restricted discretionary in ONC. The Reporting Officer notes that this activity is already provided for in both the earthworks and clearing of indigenous vegetation rules as a permitted activity. Inclusion of a specific rule to provide for the activity in both HNC and ONC will clarify the status of this activity. For consistency with the earthworks and vegetation rules it will be a permitted activity. These amendments are consistent with the Panel's direction from deliberations on telecommunications and caucusing undertaken during the Hearings. For a discussion on activity statuses refer to paragraph 70 above.

Subdivision - Rule 8 (HNC) and Rule 18 (ONC)

89. Generally speaking the submissions relating to subdivision activities raised questions regarding the activity status of different types of subdivision, reliance on the underlying zone standards and incentivising subdivision for conservation lots and environmental benefit lots. The approach to activity statuses is discussed in paragraph 70 above. However it is worth noting here that the Plan does not generally use controlled activities, especially in the case of subdivision, as this practice has not resulted in the best environmental outcomes in the past. Subdivision activities in the underlying zone are generally either restricted discretionary or discretionary. Given that the overlay deals with special values, which are matters of national

importance, it is appropriate that the approach to subdivision is more conservative. Having said this, some submitters have pointed out there is merit in providing for subdivision which will result in the preservation and legal protection of identified areas of natural character. As a result of the submissions received the Reporting Officer undertook further investigation into the best way to address submitters concerns. As a result it was found that many (but not all) natural character areas are also priority areas for indigenous ecosystem restoration or enhancement referred to in Section 38 Rule 8. It is therefore appropriate that the Variation be amended to rely on the District-wide subdivision rules which enable an activity to be assessed on its merits through a discretionary consent application under Rules 8 and 10 in Section 38. Amendments are also recommended to Rule 10, providing for Environmental Benefit Lots, to include opportunities to protect, restore or enhance natural character.

90. All other relief sought by submitters in relation to Rules 8 and 18 not addressed here is either not supported due to the vagueness of relief sought or because the theme has previously been discussed elsewhere.

Afforestation - Rule 9 (HNC) and Rule 19 (ONC)

91. Rule 9 and Rule 19 address the activity 'afforestation.' While no submissions were received on Rule 19 and its prohibited activity status, a number of submissions were received in relation to Rule 9. The submissions validly raise concern about the uncertainty of the definition of afforestation as a result of Hearing Panel deliberations. Specifically, submitters are concerned that it may inadvertently capture planting for tree extracts i.e. manuka oil, land management purposes (i.e. erosion control, farm wood lots and selective felling). All these matters were also raised through the Hearing process. While the Reporting Officer has the benefit of the Panel's direction from deliberations on the Plan further amendments are recommended to address the submitters concerns. Firstly, it is recommended deleting the definition for Plantation Forestry in the Plan and amending the definition of afforestation to encompass it as follows:

***Afforestation** means a new tree plantation for wood products on land not previously planted in trees, or a new tree plantation not covered by existing use rights. It includes all phases of the production cycle, such as establishment, planting, stand maintenance, infrastructure maintenance, and harvesting, but excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.*

For the avoidance of doubt, 'wood products' means trees are or will be harvested for end products made of wood, e.g. timber, firewood, wood pellets, etc. This does not include other products from trees, such as oil, pollen, nectar for honey, fruit, etc. For this activity, refer to the 'farming' definition. It also does not include removing old trees or sporadic tree removal and using its wood products incidental to the main purpose of the tree, e.g. using a fallen tree for firewood.

For the avoidance of doubt, 'tree plantation' does not include trees planted for gardening, erosion prevention, ecological restoration, or shelter belts.

92. Secondly, it is recommended that Afforestation become a Restricted Discretionary activity in HNC with standards as follows (similar to those for ONFL's):

1. Afforestation is a **restricted discretionary** activity provided:

- a) The trees are not a *Pinus* species; and
- b) The trees are not planted in lines; and

- c) The forest is managed and operated to maintain the forest canopy at one or more levels without clear felling.
 2. The Council restricts its discretion to matters 1 and 3 in Table 2 in Section 32A.5.
 3. Afforestation that is not a restricted discretionary activity under Rule 5A is a **non-complying Activity**.
93. Providing for afforestation activities as recommended enables activities associated with establishing and using trees for reasonable use which maintain the values and characteristics of natural character.

Two or more dwellings per lot - Rule 9 (HNC)

94. Several submitters raised concern about the activity status of two or more dwellings per lot. Generally speaking concerns related to reasonable use of land. In response to these submissions it is again important to point out that the overlay rules only apply to that part of the property within the overlay. Outside of the overlay the underlying zone and district wide rules apply. With the goal of preserving natural character it would be inappropriate to apply a lower activity status to this activity than that provided for in the underlying zone. For example, in the Rural Zone two or more dwellings per lot are a restricted discretionary activity subject to some specific standards including each dwelling having a minimum exclusive use area. The Reporting Officer does not support any of the amendments sought by submitters.

Mining activities - Rule 9 and 10 (HNC) and Rule 17 and 19 (ONC)

95. A number of submitters support the approach to mining activities in the Variation seeking retention of the rules as notified. Relief sought from other submitters can be summarised as: seeking greater restrictions on mining activities (i.e. elevating activity statuses and providing for small scale activities including farm quarries).
96. In relation to mining activities in the Plan, the approach taken by the Council is effects-based rather than the activity-based approach underpinning many of the submissions opposing the mining provisions. While mining can generate significant and permanent adverse effects, these are not inherently unmanageable or inappropriate if managed responsibly. Bearing in mind that the framework recommend in the Variation prescribes a controlled and restrictive approach to mining, sending a very clear signal about the appropriateness of mining activities within areas of natural character. In the limited instances where consent opportunities are proposed, the policy framework of the Variation and the Plan is clear that very compelling arguments will need to be made before consent would be granted. It is vital here that the provisions for mining activities are considered in relation to the hierarchy of provisions established in Section 37 Mining Activities.
97. The above discussion applies equally to farm/small scale quarries and extraction activities. In response to submissions received on the Plan the Panel are considering showing a number of existing quarries on the planning maps. Depending upon the scale of the farm activity undertaken (i.e. if it is very small scale it may be that it would just fall under the earthworks rule or where it is an existing activity, have existing use rights). Additional amendments are not supported by the Reporting Officer to accommodate the submitters concerns.

Table 1 - Standards

98. Table 1 provides standards for wall, roof and window reflectivity and requires buildings and structures to be located below the nearest ridgeline. Several submitters oppose the standards

on the basis that they: need to accommodate reasonable use and common place farm activity; they are subjective and need to be objective; activity status's and because buildings/structures should be allowed on ridgelines. Submitters generally didn't provide any guidance or wording to make amendments to these provisions and as such the Reporting Officer has little to consider. One submitter helpfully provides suggested amendments involving removal of the word 'structure' to enable fences, water tanks etc to be located on ridgelines. This amendment is supported to enable reasonable use. The submitter also provides some word changes to standard 4 to read as follows: *The highest point of any building must be below any ridgeline with a sky backdrop where the ridge is visible from the coastal marine area.* The Reporting Officer does not support this amendment as the Variation is not just concerned about the visual effects of buildings when viewed from the coastal marine area.

Table 2 - Restricted Discretionary Matters

99. Table 2 provides the assessment matters and criteria over which the Council restricts its discretion when assessing restricted discretionary activities. Each rule specifies which matters are applicable when assessing an activity. Submissions on this Table were varied. A number of submitters oppose various assessment criteria for a variety of reasons but provide no alternative wording for consideration. Submissions of this nature are not supported. Other submitters sought deletion of various criteria. While these submissions are generally not supported the Reporting Officer does support removal of criteria 1.a) and 3.a) relating to whether the work is necessary. It is suggested that whether or not they are necessary is irrelevant to the assessment of effects on natural character. Those submitters who did provide wording changes are also generally not supported. However an amendment to 2.g) to extend the consideration to include 'operational' need and social, economic and cultural benefits is supported as it adds valuable considerations to the criteria.

Recommendations and reasons

100. NCV.1 Amend the Beca Natural Character Assessment to:
- a) Make specific reference to existing and consented marine farms in units 11, 13 and 19; and
 - b) Reduce the extent of units 9, 46 and 50 as shown in Appendix 4 and make consequential amendments to the overlay planning maps.
101. NCV.2 Amend the proposed Natural Character objectives, policies and rules as shown in Appendix 1 and 2 and make consequential amendments to:
- a) Amend Rule 10 in Section 38 of the Proposed District Plan as shown in Appendix 3.
 - b) Amend the definition of Afforestation in Section 3 of the Proposed District Plan as shown in Appendix 3.
102. Reasons for the recommendation:
- a) Specific relief, including wording changes, was provided by the submitter.
 - b) The submission's relief sought to give effect to national and regional policy documents such as the Hauraki Gulf Marine Park Act, the New Zealand Coastal Policy Statement and the Waikato Regional Policy Statement.

- c) The submission provides for TCDC to better effectively exercise its functions under the RMA in promoting the sustainable management of natural and physical resources.
- d) The submission improves the clarity, intent, efficiency and effectiveness of the Plan.
- e) The submission simplifies and streamlines the Plan.
- f) The submission's relief avoids or removes duplication and conflict with other regulatory documents and rules, for example the Waikato Regional Plan, the Waikato Regional Pest Management Plan, the Waikato Conservation Management Strategy, National Environmental Standards.