



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 17

Coastal Environment

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to "coastal environment".

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to them. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"IAL" means Invercargill Airport Limited.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"NZCPS" means the New Zealand Coastal Policy Statement 2010.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 6 October 2014.

Section 42A Report

The Hearings Committee received a report from William Watt, of William J Watt Consulting. In his report, Mr Watt highlighted that Section 75 of the RMA requires that a District Plan give effect to the NZCPS, and submitters have questioned whether that has been done to the extent required. Mr Watt was of the view that read holistically the Proposed Plan does give effect to the NZCPS. However, he recommended the following changes to Section 2.4.3 of the Proposed Plan for clarity:

- Amending Policy 1 by adopting the criteria used in Policy 1 of the NZCPS which identify areas in the coastal environment. By applying those criteria Mr Watt considered that part of Invercargill Airport and the area to the west of the original

shoreline between the Waihopai River to the west and north and Stead Street to the south now needs to be included within the defined coastal environment.

- Amending Policy 3 which sets out the assessment criteria against which any resource consent application in the coastal environment would be evaluated to include the criteria in Policy 13 of the NZCPS.
- Including reference to Appendix 4 of the Regional Coastal Plan as a consequence of the requirement of Policy 13 of the NZCPS for a territorial authority to identify areas of high natural character on the District Planning Maps in the Proposed Plan.

Mr Watt referred to concern from submitters at the focus in the Proposed Plan of Bluff and Omaui being nodes for further development. He recommended minor changes to wording in response to these concerns. There was also some discussion in his report of the extent to which the Proposed Plan should recognise port facilities at Tiwai Point. In general, he recommended rejecting these submissions, noting that the port facilities associated with the aluminium smelter are established, necessary, and included within the policy framework.

Submitters Attending the Hearing

Federated Farmers

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser. Mr Cooper opposed the recommendation on submission 88.37 which rejected the inclusion of agriculture as one of the natural character criteria. He argued that reasonable farming activities in the coastal environment should specifically be allowed to continue, noting that agricultural activities can help maintain amenity areas.

Mr Cooper also opposed the rejection of submission 24.12 stating that the RMA does not require outright protection of the values referred to in part (A) of the policy. He also indicated that public access along the coast will not always be appropriate or possible for a variety of reasons, including where there is a risk to health and safety. He therefore requested that part (B) of the policy state "maintain or enhance public access where appropriate".

Mr Cooper advised the Committee that he supported the recommendations in relation to Method 4 (submission 65.8 by ICC Environmental and Planning Services, supported by Federated Farmers) and Method 6 (submission 88.39 by Federated Farmers).

Environment Southland

Gavin Gilder, Resource Planner at Environment Southland, advised the Committee that the recommended amendments to the Coastal Environment provisions were supported. He also noted that the Regional Coastal Plan for Southland became fully operative in March 2013 and that it should be referred to as such.

Material Tabled at the Hearing

H W Richardson Group

Kirsty O'Sullivan of Mitchell Partnerships Limited advised on behalf of H W Richardson Group that the recommendations in the Section 42A Report were consistent with their submissions lodged. She also advised that H W Richardson Group was opposed to the redrafting of Policy 3, notwithstanding that the company did not lodge a submission on this matter. Their concern related the partial inclusion of Policy 13 of the NZCPS and the inclusion of reference to areas of outstanding natural character, when neither the District Plan nor the Regional Coastal Plan identifies such areas.

PowerNet Limited

Joanne Dowd of Mitchell Partnerships Limited advised that PowerNet supported the recommendations in relation to the submissions and further submissions it had lodged on the Coastal Environment provisions of the Proposed Plan.

South Port NZ Limited

Kirsty O'Sullivan of Mitchell Partnerships Limited advised on behalf of South Port that the recommendations in the Section 42A Report in relation to Objectives 1 - 3 and 5, Policy 5, and an additional policy sought by Environment Southland in submission 18.33, were accepted as they were consistent with their submissions and further submissions lodged. She also advised that the removal of reference to "natural character" from Issue 4 was supported, but that the recommended addition to balance functional need against conservation, particularly in relation to the port, was inappropriate given that the coastal environment has already been altered.

Mrs O'Sullivan requested that the relief sought by South Port in submission 24.9 to amend Objective 6 be granted. In her view the blanket approach in the Proposed Plan to maintaining and enhancing water quality and ecosystems is not consistent with Policy 21 of the NZCPS. She also noted that while the intent of the recommended rewording of the explanation to Policy 2 was generally accepted, she considered the text clumsy, suggesting a minor rewording.

With regard to the recommended revision of Policy 3, Mrs O'Sullivan noted that this only partly gave effect to NZCPS Policy 13 and that the reference to Appendix 4 in the Regional Coastal Plan for Southland was flawed because that Appendix does not identify any areas of outstanding natural character. She also commented that reliance on an outdated assessment as suggested by the Department of Conservation in their submission 64.18 was inappropriate. John Kyle, also of Mitchell Partnerships Limited, reiterated these points when appearing before the Committee on 11 November 2014.

South Port supported the recommendation to reorder Policy 4 because it provided greater clarity. However, it opposed the inclusion of clause (E) as it was "out of place in the context of this policy".

South Port also requested that Policy 5 be retained in its original form opposing the recommended changes, as a consequence of submission 64.18 by the Department of Conservation, on the basis that priority needs to be given to those activities that have locational and functional constraints in order to provide for the foreseeable needs of future generations. Mrs O'Sullivan considered this approach consistent with the NZCPS which recognises that some uses and developments depend on a coastal environment location.

Invercargill Airport Limited

Kirsty O'Sullivan of Mitchell Partnerships Limited expressed concern on behalf of IAL to the inclusion of the airport within the coastal environment. She stated that this went beyond the scope of submission 18.34 by Environment Southland that had only requested a change to the explanation of Policy 1.

Mrs O'Sullivan advised that the recommendations in the Section 42A Report in relation to the rewording of Issue 4 as a consequence of submission 24.4 by South Port, supported by IAL, to remove reference to "natural character" were supported. However, retaining reference to the need to balance conservation needs against development needs was opposed as this was covered by issue statements in other parts of the plan. It was IAL's view the issue should recognise that in some cases the existing coastal environment has

already been altered and in such circumstances this can be appropriate to realise important social and economic benefits.

IAL also considered Policy 5 should be retained in its original form, opposing the recommended changes as a consequence of submission 64.18 by the Department of Conservation on the basis that priority needs to be given to those activities that have locational and functional constraints in order to provide for the foreseeable needs of future generations.

Mrs O'Sullivan also advised that the recommendations on Objective 2 and an additional policy sought by Environment Southland in submission 18.33 were accepted as they were consistent with their submissions and further submissions lodged.

Transpower

Mike Hurley, Senior Environmental Planner at Transpower, advised that with the one exception all of Transpower's submission and further submission points have either been accepted or accepted in part. That one exception was in relation to Policy 5 Functional Need, with Transpower requesting that the National Grid lines associated with the Tiwai Point smelter be recognised in the explanation, given the functional need for a location in the coastal environment.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Extending the Coastal Environment

This issue arose in the context of Policy 1 "to identify the coastal environment and to delineate it on the District Planning Maps". The explanation then lists the criteria used to identify the areas within the coastal environment. The Department of Conservation in submission 64.16 sought an amendment to Policy 1 to highlight that there may be other areas which are in the coastal environment that are not yet mapped. Environment Southland in submission 18.34 highlighted that the criteria included in the explanation did not match those set out in the NZCPS.

Mr Watt in his Section 42A Report accepted the criteria listed in the policy explanation differed from those in Policy 1 of the NZCPS, and recommended that the explanation mirror the nine criteria from the NZCPS. Taking these modified criteria into account, it was his view that the extent of the coastal environment shown on the District Planning Maps should be expanded to include part of the Invercargill Airport and the area to the west of the original shoreline between the Waihopai River (to the west and north) and Stead Street to the south.

Material tabled at the hearing by Invercargill Airport Limited opposed the expansion of the coastal environment on the District Planning Maps as recommended by Mr Watt on the grounds that this was not authorised by any submission. Although not a submitter on this matter, the Committee agreed that it was reasonable for IAL to comment on this as they were the land owners of some of the land referred to. The Committee also agreed that no submitter had sought an expansion of the area shown as coastal environment and the recommendation went beyond the submissions lodged. The Committee also noted that while the Department of Conservation had identified that it may be appropriate to include additional areas within the coastal environment, it had not explicitly identified any such areas.

Assessment Criteria

Policy 3 provides a list of criteria in relation to natural character to be taken into account when considering proposals for subdivision, use and development within the coastal

environment. Submissions 18.36 Environment Southland and 64.18 Department of Conservation highlighted an inconsistency between the policy and the provisions of the NZCPS and Regional Policy Statement.

Environment Southland also submitted that the Invercargill City Council should carry out a natural character assessment, and in the meantime refer to that appended to the Regional Coastal Plan for Southland which identified areas within the coastal environment of Invercargill that are of high natural character. Environment Southland considered this would satisfy the requirements of the NZCPS. NZAS had no concerns with referencing the natural character study, however it considered there is no need to duplicate the natural character study in the Proposed Plan or to undertake an identification process as sought. In that regard, the Committee agreed with NZAS.

South Port NZ Ltd considers the policy should also recognise the extent to which natural character has already been modified by subdivision, use and/or development. KiwiRail considers that there should be an additional criterion that seeks to preserve the operation of strategic infrastructure in coastal areas so that its operations are not compromised. Federated Farmers also considers that farming activities in the coastal environment should be allowed to continue, recognising the ethics of stewardship and responsible environmental management that are an increasingly important part of the decisions of coastal landowners.

In his Section 42A Report Mr Watt recommended a revision based partly on Policy 13 of the NZCPS and the inclusion of reference to the assessment contained in the Regional Coastal Plan. This was supported by Environment Southland, but opposed by SouthPort. Evidence from Mrs O'Sullivan and later by Mr Kyle opposed this approach, stating that all parts of Policy 13 of the NZCPS should be included and that reliance on an outdated study in the Regional Coastal Plan was inappropriate.

In considering these matters the Committee was mindful that in considering any resource consent regard, where appropriate, is required to be given to the provisions of the NZCPS. For that reason the Committee did not consider it necessary to mirror the provisions of that document. Rather, the policy in the District Plan is a position adopted by the Invercargill City Council and while the District Plan should be consistent with and not contrary to the NZCPS it is not a requirement of the RMA to include provisions of national policy statements verbatim.

Similarly, on the basis of the evidence produced at the hearing, the Committee was not convinced that it was appropriate to undertake an assessment to identify the areas within the coastal environment that were of outstanding natural character. As the coastal environment includes the coastal marine area, then there is a joint responsibility for the management of the coastal environment by the Council and Environment Southland. Any study to identify areas of outstanding natural character should therefore be undertaken by Environment Southland adopting a consistent approach over the coastal environment for the entire region. A local study of part of the region may prove of limited value. The Committee also considered the approach adopted in the assessment included in the Regional Coastal Plan was still relevant and concluded that it was appropriate to refer to it in the explanation to the policy. The Committee also noted that Section 2.10 of the Proposed Plan referred to a number of outstanding natural features, some of which are located in the coastal environment, and that such features are relevant in considering this policy.

The Committee did not consider it necessary to include reference to the extent to which natural character has already been modified by subdivision, use and/or development. If such change has occurred then that is a consideration of whether an area presently contains outstanding natural character. The provision is not "backdated" to a previous time or state of

the environment. Similarly, the matters raised by KiwiRail and Federated Farmers are adequately dealt with in other parts of the Plan.

SECTION 32 MATTERS

Requirements

The Committee was advised by Mr Watt that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understand its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

Assessment

Mr Watt in the Section 42A Report undertook a further assessment having regard to the provisions of Section 32AA of the RMA for the provisions to which he recommended changes.

In relation to these matters, Mr Watt advised the Committee as follows:

Other changes are minor. They are within the scope of the original evaluation findings and do not raise any additional matters of consideration. A detailed assessment or quantification of costs and benefits of these other changes is neither practical nor necessary. It follows that the environmental, economic, social or cultural effects anticipated to arise as a consequence of the changes are minor.

For those decisions that reflect the recommendations made by Mr Watt in his Section 42A Report, the Committee agrees with that approach and adopts it.

This decision makes a number of amendments to Objectives and Policies that differ from Mr Watt's recommendations. These amendments are as follows:

- 2.4.2 Objective 3 – Redrafting of Objective (Decision 17/8)
- 2.4.2 Objective 6 – Redrafting of Objective (Decision 17/10)
- Deletion of 2.4.3 Policy 4 and the introduction of a policy on public access based on previous Policy 4(B) (Decision 17/14) and the introduction of a policy based on previous Policy 4(A) (Decision 17/14)

Objective 3

The wording of this Objective covers similar issues as those recommended in Mr Watt's recommendations. However, rather than just identifying the Bluff area as appropriate for port facilities, the Objective provides for existing infrastructure and development within the wider coastal environment. While this may extend the area covered by the Objective, it is considered that the amendments to this Objective are of such a minor nature that it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. The Objective is the most appropriate way of achieving the purpose of the RMA. It is consistent with the New Zealand Coastal Policy statement, which requires the recognition of activities that have a functional need to locate within the coastal marine area, and which contribute to an efficient national network of transport nodes, including ports. Existing activities in the coastal environment have established over time and it is appropriate to provide for them. This provides for the sustainable use of these resources and for the well-being of communities.

Objective 6

Mr Watt did not recommend any changes to Objective 6, however the Committee has amended this Objective to focus on the avoidance of adverse effects of land use and development on coastal water quality and ecosystems, as opposed to the maintenance or enhancement of that water quality and those ecosystems. The Committee considers the focus for the Council is on the management of land use activities in a manner that avoids adverse effects on coastal waters. Due to the minor nature of this change it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. The change is consistent with the NZ Coastal Policy Statement. The risk of retaining the Objective as notified with its focus on enhancing coastal water quality is that the Plan would set the bar higher than is required of the Council and its roles under the RMA and the NZCPS.

Policy 4 – Deletion and replacement

Mr Watt recommended changes to 2.4.2 Policy 4 Protection of Values and Attributes to identify when this policy would apply. The Committee, however, has deleted this policy in its entirety and replaced it with two policies that address two of the bullet points. The redrafted policies do not cover natural hazards, sea level rise and climate change on the grounds that these matters are addressed elsewhere in the Proposed Plan. The new Policy 4 addresses Public Access, which was previously addressed in Policy 2.4.3 Policy 4(B), and the matters from 2.4.3 Policy 4(A) are addressed in the new Policy 5. While Policy 4 Public Access is more detailed than the original policy, the new policies do not significantly change the direction of the Proposed Plan. They both are appropriate means of meeting the Objectives of the Plan and they address significant resource management issues. Due to the minor nature of these changes, it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
SECTION 2.4 ISSUES, OBJECTIVES AND POLICIES	
Introduction	
<p>24.3 South Port NZ Ltd The submitter supports this provision, considering it appropriate to recognise that the Port activities contribute to the existing character of that part of the coastal environment. Retain Introduction in its present form.</p> <p>71.4 NZAS Ltd The submitter supports the recognition of the Tiwai Aluminium Smelter as being a regionally significant development. Retain introduction (paragraph 3) in its present form.</p>	<p>Decision 17/1 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the plan provisions and seek no change to them.</p> <p>It is noted however that as a result of Decisions 17/2 and 17/13 minor changes have been made to the Introduction.</p>
<p>18.31 Environment Southland The submitter suggests that all the coastline (as defined by the edge of vegetation) is within the Invercargill city district rather than “bordering” it. The submitter requests that the first sentence of the opening paragraph be amended to read:</p> <p>The Invercargill City district contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast.</p> <p>FS8.3 Department of Conservation supports Submission 18.31 stating that it should be made clear in the introduction that the coast and coastline is included within the boundaries of the district.</p> <p>18.32 Environment Southland The submitter supports the last sentence “<i>Change due to coastal processes is expected to continue</i>” in principle but believes it could be stronger. Amend the last sentence to read:</p> <p>Change due to coastal processes is expected to continue <u>especially if sea level continues to rise as much as predicted.</u></p>	<p>Decision 17/2 These submissions are accepted.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> Replace the first sentence of Section 2.4 with the following: <u>The Invercargill City District contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast.</u> Amend the last sentence of the first paragraph of Section 2.4 to read: <u>Change due to coastal processes is expected to continue especially if sea level continues to rise as much as predicted.</u> <p>Reason The amendments better express the factual situation and intent.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
2.4.1 Issues	
<p>77.8 Te Runaka o Waihopai and Te Runaka o Awarua The submitter supports the original wording of all the Issues. Retain the Issues in their present form.</p>	<p>Decision 17/3 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the plan provisions and seeks no change to them.</p> <p>It is noted however that as a result of Decision 17/4 Issue 1 has been changed. The amendment does not alter the intent of the issue.</p>
<p>91.1 PowerNet Ltd Issue 4 - Support. The submitter considers it appropriate that a balance between conservation needs and development needs is recognised within the District Plan, and seeks to retain 2.4.1 Issue 4.</p> <p>24.4 South Port NZ Ltd 2.4.1 Issues - Oppose in part, considering that this issue statement should be amended to recognise that the Port and associated infrastructure needs to be able to meet the economic and social needs of people and communities. The reference to affecting natural character is unnecessary as the first point already deals with this. It is unnecessary to specify that the Port activities need to be balanced with environmental/conservation values when there are other issue statements that deal with this. Amend Issue 4 as follows:</p> <p>4. Sea ports and infrastructure located in the coastal environment have a <u>functional need to locate in the coastal environment in order to meet the economic and social needs of people and communities.</u></p> <p>FS5.2 Invercargill Airport Ltd supports Submission 24.4, agreeing that the issue statement should be amended to recognise that the port and other major infrastructure may have a functional (or operational) need to locate within the coastal environment.</p> <p>FS25.2 Transpower NZ Ltd supports in part Submission 24.4, noting that whilst they seek to avoid these areas, it is not always possible due to functional, locational and operational constraints.</p>	<p>Decision 17/4</p> <p>(i) Submissions 91.1 PowerNet Ltd and 79.4 KiwiRail Holdings Ltd are noted.</p> <p>(ii) Submissions 24.4 South Port NZ Ltd and 87.3 Transpower NZ Ltd are accepted in part.</p> <p>Amendments to District Plan Amend Issue 4 to read:</p> <p style="padding-left: 40px;"><i>SA range of activities, including sea ports and infrastructure, located within the coastal environment can affect its natural character but also have a functional need of coastal space. In these cases conservation needs must be balanced against development needs.</i></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. A wider range of activities than those listed have a function need to locate within or adjacent to the coast. 2. The need to balance conservation needs against development needs is part of a response to an issue rather than part of the issue itself. 3. While reference to meeting the needs of people and communities may be a reason for undertaking an activity it is the functional need for the location that is significant at an issue level.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>79.4 KiwiRail Holdings Ltd 2.4.1 Issue 4 - The submitter supports Issue 4 on the basis that it is a good recognition of the type of balancing policies required to address both the physical coastal environment and natural character and the need for lifeline infrastructure. Retain Issue 4.</p> <p>FS5.3 Invercargill Airport Ltd and FS7.3 South Port New Zealand Ltd support in part submission 79.4, agreeing that coastal values need to be balanced against the functional needs of lifeline infrastructure. However, the further submitter considers that Issue 4 does not require specific reference to conservation as it is provided for via other issue statements found elsewhere in the Proposed Plan.</p> <p>87.3 Transpower NZ Ltd 2.4.1 Issue 4 - The submitter opposes the wording of Issue 4 in part. The submitter considers that natural character and conservation are separate considerations and the issue should be amended to refer to “natural character” only as this reflects the intent of the associated objectives and policies. Furthermore, the submitter seeks that the Issue refers specifically to the National Grid to give effect to the NPSET. Amend Issue 4 as follows with any consequential amendments:</p> <p>Sea ports and infrastructure located within the coastal environment can affect its natural character but also have a functional need of coastal space. In these cases conservation <u>natural character</u> needs to be balanced against development needs, <u>in particular regarding the National Grid.</u></p> <p>FS12.7 PowerNet Ltd supports in part /opposes in part submission 87.3. The further submitter agrees with the submission insofar as it seeks to ensure that the Issue relates to consideration of natural character. However, the further submitter considers that the issue is intended to be wider than simply the National Grid and should continue to apply to all infrastructure.</p>	
<p>71.5 NZAS Ltd 2.4.1 Issue 4 - The submitter supports the recognition of functional need but would like the Issue expanded to specifically recognise the aluminium smelter.</p> <p><u>Decision Sought:</u> Issue 4 be amended as follows: Sea ports, <u>the aluminium smelter at Tiwai Point</u> and infrastructure located</p>	<p>Decision 17/5 This submission is rejected.</p> <p>Amendments to District Plan None required.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>within the coastal environment ...</p> <p>FS7.2 South Port New Zealand Ltd supports Submission 71.5. The further submitter agrees that the Tiwai Point aluminium smelter should be recognised as infrastructure alongside the seaport.</p> <p><u>Decision Sought:</u> Amend Issue 4 as follows:</p> <p>Sea ports, <u>the aluminium smelter at Tiwai Point</u>, and infrastructure located in the coastal environment have a <u>functional need to located in the coastal environment in order to meet the economic and social needs of the City and wider region.</u></p>	<p>Reasons</p> <ol style="list-style-type: none"> 1. The Smelter is referred to in the Introduction to this section of the plan. The issue is generic in nature and reference to particular activities is not required. 2. While the Smelter is located within the coastal environment, and it has advantages in that location, it does not have a functional need to be there. That compares to a port which cannot function unless it is adjacent to a water body used by ships. 3. The Smelter is given greater recognition than most activities by it being assigned a special permissive zoning that recognises its scale and impacts.
<p>18.33 Environment Southland</p> <p>2.4.1 New issue - The submitter believes there should be a reference to sea level rise as an issue. Sea level rise and adjusting or adapting to it is going to become more and more of an issue for the ICC in the future. Already there are issues at Omaui, Bluff and Sandy Point, which the submitter believes will become more significant and widespread in the future. Include a new issue relating to sea level rise.</p> <p>FS5.4 Invercargill Airport Ltd opposes in part Submission 18.33, considering that sea level rise has been appropriately addressed via the inclusion of specific natural hazard issue statements outlined in Section 2.11 and that it is unnecessary to duplicate the issue here.</p> <p>FS7.4 South Port New Zealand Ltd opposes Submission 18.33, submitting that sea level rise has been appropriately addressed via the inclusion of specific natural hazard issue statements outlined in Section 2.11 and that it is unnecessary to duplicate the issue here.</p>	<p>Decision 17/6 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is debatable whether sea level rise has greater significance than other natural hazards in the context of the overall “Issues”. 2. As noted by the further submitters, the Plan has a strong policy framework elsewhere that takes a holistic approach to natural hazards. 3. The submitter advised the Committee of its acceptance to reject this submission.
2.4.2 Objectives	
<p>24.5 South Port NZ Ltd The submitter supports Objective 1. Retain the objective.</p> <p>64.13 Department of Conservation The submitter supports Objective 1, considering that this gives effect to Section 6(a) of the RMA, is consistent with Policy 13(1) of NZCPS 2010, and</p>	<p>Decision 17/7 These submissions are noted.</p> <p>Amendments to District Plan None required.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>Policy COAST.7 of the Proposed Regional Policy Statement for Southland. Retain the objective.</p> <p>71.6 NZAS Ltd The submitter supports Objective 1, considering it appropriate to recognise that in some circumstances subdivision, use and development is appropriate. Retain the objective.</p> <p>79.5 KiwiRail Holdings Ltd The submitter supports Objective 2. Retain Objective 2.</p> <p>24.6 South Port NZ Ltd The submitter supports Objective 2. The submitter considers it is appropriate to recognise that certain activities (i.e. Port facilities) have a functional need to locate within the coastal environment. This is consistent with the NZCPS 2010. Retain Objective 2.</p> <p>64.14 Department of Conservation The submitter supports Objective 2. The submitter considers it gives effect to Policy 6(1)(e) and 6(2)(c) of NZCPS 2010. Retain Objective 2.</p> <p>71.7 NZAS Ltd The submitter supports Objective 2. The submitter considers it is appropriate to recognise some activities have a functional need to locate within the coastal environment. The Tiwai Point aluminium smelter should be recognised as one such activity in view of the raw material and product flows by sea. Retain Objective 2.</p> <p>90.1 H W Richardson Group Ltd and 91.2 PowerNet Ltd The submitter supports Objective 2. . The submitter considers it is appropriate to recognise that infrastructure and renewable energy generation can have a functional, technical or operational need to locate within the coastal environment. Retain Objective 2.</p> <p>FS5.5 Invercargill Airport Ltd supports Submissions 79.5, 24.6, 64.14, 71.7, 90.1 and 91.2 agreeing that it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment. The submitter further notes that functional need also includes needs that may have arisen out of historic circumstances that have led to infrastructure being located within the coastal environment, which have been further legitimised through significant investment in and development of the infrastructure.</p>	<p>Reasons The submitters support the Objectives 1 and 2 and seek no change to them.</p>

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SUBMISSION	DECISION
<p>79.5 KiwiRail Holdings Ltd The submitter supports Objective 3. Retain Objective 3.</p> <p>64.15 Department of Conservation The submitter supports Objective 3 as it stands. The submitter considers it gives effect to Policy 6(1)(e) and 6(2)(c), and Policy 9 of NZCPS 2010. Retain Objective 3.</p> <p>24.7 South Port NZ Ltd The submitter supports Objective 3 in part. The submitter considers it is appropriate to specifically recognise that Bluff is an appropriate location for Port related activities. Tiwai Point should also be recognised in the same manner.</p> <p><u>Decision Sought:</u> Retain the objective, but add a reference to Tiwai Point as also being appropriate for port facilities associated with the NZAS facilities.</p> <p>FS2.18 NZAS Ltd supports submission 24.7 by South Port given the importance of the Tiwai Wharf for the smelter, the further submitter supports the inclusion of a reference to Tiwai Point as an appropriate location for port facilities.</p> <p>71.8 NZAS Ltd The submitter considers that the aluminium smelter should be specifically recognised in the objectives. The inclusion of a new objective as follows: <u>Objective X: Tiwai Point is identified as the appropriate location for the aluminium smelter, and other activities associated with aluminium smelting which have a functional need to locate in close proximity to the smelter.</u></p> <p>FS39.2 Environment Southland opposes in part submission 71.8. While not opposing the intent of the proposed objective, the submitter is opposed to the inclusion of “... <i>other activities associated</i> ...”. The submitter comments that there is no indication of what these “other activities” are and the potential adverse effects associated with them. Allow submission but remove reference to “other activities”.</p> <p>FS7.6 South Port New Zealand Ltd supports in part submission 71.8, considering that the Tiwai Point aluminium smelter should be recognised as regionally significant infrastructure and should be recognised in the objectives. Either amend Objective 3 or adopt an objective as proposed by the submitter.</p>	<p>Decision 17/8</p> <p>(i) Submissions 79.5 KiwiRail Holdings Ltd and 64.15 Department of Conservation are noted.</p> <p>(ii) Submissions 24.7 South Port NZ Ltd and 71.8 NZAS Ltd are accepted in part.</p> <p>Amendments to District Plan Amend Objective 3 to read: <u>Provide for existing infrastructure and development within the coastal environment, including the port of Bluff and Tiwai Smelter and recognise the functional need for some activities to locate within the coastal environment. Bluff is identified as the appropriate location for port facilities, and other activities which have a functional need to locate in the port area.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The port facilities at Bluff and Tiwai Point are of national significance and it is appropriate to provide for their continuing operation. 2. The amendment is consistent with the New Zealand Coastal Policy Statement which requires recognition of activities that have a functional need to locate within the coastal marine area and which contribute to an efficient national network of transport nodes, including ports. 3. At an objective level it is not necessary, nor is it appropriate in this case, to refer to "other activities". 4. Existing activities in the coastal environment have established over time and it is appropriate to provide for their continuation.

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<p>24.8 South Port NZ Ltd The submitter supports Objective 5. The submitter considers this objective to be generally consistent with the RMA and the NZCPS 2010. It is appropriate to provide for certain activities that have a functional need to take place within the coastal environment. Retain Objective 5.</p> <p>53.4 NZ Transport Agency The submitter supports Objective 5. Retain Objective 5.</p> <p>79.5 KiwiRail Holdings Ltd The submitter supports Objective 5.</p> <p>91.23 PowerNet Ltd The submitter supports Objective 5 as it stands, considering it appropriate to provide for certain activities that have a functional need to take place within the coastal environment. Retain Objective 5.</p> <p>87.4 Transpower NZ Ltd The submitter supports Objective 5 in part. The submitter considers that the objective should also specifically recognise locational and technical constraints when developing nationally important infrastructure, as this will set the framework for the policies, in particular those relating to functional need. The submitter seeks to amend Objective 5 as follows with any consequential amendments: Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, while maintaining and enhancing public access and preserving natural character as far as practicable, recognising the locational and technical constraints of nationally significant infrastructure.</p> <p>FS7.5 South Port New Zealand Ltd supports Submission 87.4 considering it is appropriate to recognise the technical and locational constraints and supports the strengthening of the objective and policy framework. However, the further submitter considers that the proposed amendments should also apply to regionally significant infrastructure.</p>	<p>Decision 17/9 (i) Submissions 24.8 South Port NZ Ltd, 53.4 NZ Transport Agency, 79.5 KiwiRail Holdings Ltd and 91.23 PowerNet Ltd are noted. (ii) Submission 87.4 Transpower NZ Ltd is accepted in part.</p> <p>Amendments to District Plan Objective 5 is reworded to read Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, <u>recognising that such developments may have specific locational and technical constraints</u>, while maintaining and enhancing public access and preserving natural character as far as practicable.</p> <p>Reasons 1. Various submitters support the objective as notified. The addition made does not impact on its overall intent. 2. The issue raised by Transpower is valid, but a modified wording fits better with the context and the plan style. 3. By not making reference to "nationally or regionally important" infrastructure, the objective is generic and applies to all infrastructure.</p>

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<p>24.9 South Port NZ Ltd The submitter opposes Objective 6, considering that the matters covered by this objective fall within the jurisdiction of the regional council and thus it should be deleted. The submitter considers that it is not always appropriate or practicable to enhance coastal water quality and ecosystems that may have deteriorated from natural state. There are circumstances, for example in and around the Port, where water quality is appropriate for port related activities, but would not be suitable for recreational purposes (i.e. swimming) therefore the objective should seek to where it is appropriate maintain and enhance water quality and ecosystems.</p> <p><u>Decision Sought:</u> Delete the objective or amend as follows: Where appropriate coastal water quality and ecosystems are maintained or enhanced.</p> <p>FS39.1 Environment Southland opposes Submission 24.9, stating that the National Policy Statement for Freshwater Management (2011) Objective C1 (Integrated Management) and the New Zealand Coastal Policy Statement (2010) policy 4 (Integration) provide direction for integrated management between relevant agencies for land, freshwater and coastal water management under the Resource Management Act 1991.</p> <p>FS8.4 Department of Conservation opposes Submission 24.9, considering that the Council has obligations to control land uses that may impact on coastal water quality and associated ecosystems. The further submitter further states that the objective gives effect to Policy 4 of the NZCPS in that it allows for integrated management of the effects of land use across administrative boundaries.</p>	<p>Decision 17/10 This submission is accepted in part.</p> <p>Amendments to District Plan Amend Objective 6 to read: CAvoid adverse effects of land use and development on coastal water quality and ecosystems are maintained or enhanced.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is accepted that the District Plan is unable to maintain or enhance coastal water quality. The key focus of a territorial authority is to manage land use activities in a manner that avoid discharges from land use activities that adversely affect coastal waters. 2. The NZCPS only requires enhancement where water quality is poor.
2.4.3 Policies	
<p>64.16 Department of Conservation The submitter supports Policy 1 in part. The submitter is concerned that there may be areas of the coast that have not been mapped yet and that the policy should acknowledge that these may be identified on a case-by-case assessment.</p> <p><u>Decision Sought:</u> Amend Policy 1 to allow for determination of the coastal environment beyond that already mapped, or to allow for case-by-case</p>	<p>Decision 17/11 These submissions are accepted in part.</p> <p>Amendments to District Plan Delete the Explanation to Policy 1 after the first sentence and amend the first sentence to read: The District Planning Maps delineate the coastal environment <u>within the Invercargill City</u></p>

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<p>assessments as part of consent processes.</p> <p>18.34 Environment Southland Policy 1 - The submitter considers that the explanation to this policy is not reflective of the NZCPS 2010 Policy 1.</p> <p><u>Decision Sought:</u> Ensure consistency between the explanation for proposed Policy 1 and Policy 1 – Extent and characteristics of the coastal environment in the NZCPS.</p> <p>FS8.5 Department of Conservation supports Submission 18.34 and considers that the criteria used to identify the coastal environment are inconsistent with the matters included in Policy 1 NZCPS and the areas included in the planning maps may not be accurate as a result.</p>	<p>District to enable easy identification provide clarity as to when District Plan provisions apply.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. While the criteria listed in the Explanation to Policy 1 differ from those in Policy 1 of the NZCPS that would not alter the coastal environment as depicted on the District Planning Maps. 2. The recommendation in the Section 42A Report to include land at Invercargill Airport in the coastal environment goes beyond the scope of the submissions lodged. In addition, the Committee does not accept that under Policy 1(2)(i) of the NZCPS the airport is part of the coastal environment. 3. Where a resource consent is lodged regard is required to be given to the NZCPS under Section 104(1)(b)(iv). It is therefore unnecessary to include the criteria in Policy 1 or other provisions in the NZCPS. 4. Minor rewording of the policy is required for clarity.
<p>18.35 Environment Southland The submitter supports Policy 2. Retain Policy 2.</p> <p>77.9 Te Runaka o Waihopai and Te Runaka o Awarua The submitter supports Policy 2 in its original form. Retain Policy 2.</p> <p>64.17 Department of Conservation The submitter supports the original wording of Policy 2 in part. The submitter considers that the policy is not consistent with Objective 4, noting that the objective is only focused on residential development, while the policy refers to all potential subdivision, use and development.</p> <p><u>Decision Sought:</u> Amend Policy 2 as follows:</p> <p>To identify Bluff and Omaui as the appropriate locations for <u>residential development</u> subdivision, use and development in the coastal environment and to give priority to preservation of the natural character of the coastal environment elsewhere.</p> <p>FS39.4 Environment Southland opposes Submission 64.17, commenting that this policy not only gives effect to proposed Objective 4 but also proposed</p>	<p>Decision 17/12</p> <ol style="list-style-type: none"> (i) Submissions 18.35 Environment Southland and 77.9 Te Runaka o Waihopai and Te Runaka o Awarua are noted. (ii) Submissions 64.17 Department of Conservation, 24.10 South Port NZ Ltd and 18.37 Environment Southland are rejected. <p>Amendments to District Plan Policy 2 is amended to read:</p> <p>To identify <u>the Bluff area</u>, and <u>the hamlet of Omaui</u> as the appropriate locations for subdivision, use and development in the coastal environment and, <u>subject to providing for activities with a functional need to locate in the coastal environment</u>, to give priority to preservation of the natural character of the coastal environment elsewhere.</p> <p><i>Explanation: This approach will encourage development to locate in areas that are already modified and This approach will help avoid cumulative effects, of an activity and precedent effects of a decision exceeding the carrying capacity of an area, and help protect natural character, outstanding natural features and landscapes, and other values of the area coastal environment.</i></p>

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<p>Objective 1.</p> <p>24.10 South Port NZ Ltd The submitter opposes Policy 2. The submitter considers that the explanation to the policy is poorly worded and appears to confuse its function. In areas such as the Port, natural character has already been altered and it would be inappropriate to give preference or priority to preserving natural character in these areas. This should be made very clear in the explanatory text.</p> <p>FS39.3 Environment Southland supports Submission 24.10, considering that the explanation to this policy should include reference to those areas of the coastal environment where natural character has already been modified. Modify the Policy to include reference to those areas of the coastal environment where natural character has already been modified.</p> <p>FS8.6 Department of Conservation The submitter opposes Submission 24.10, considering that the policy gives effect to Policy 6(c) of the NZCPS, by consolidating coastal settlement and urban areas. The policy should be reworded so that it only refers to residential development as detailed in Objective 4.</p> <p>18.37 Environment Southland Policy 4 - The submitter notes that there are a number of ONFLs (outstanding natural features and landscapes) in both the wider Bluff and Omaui areas which could be adversely affected by inappropriate development. The submitter believes that the explanation to the policy is very unclear. It discusses ONFLs and other values of the area, however, this is not listed within the policy itself. This needs to be clarified either within the policy or the explanation to it.</p> <p><u>Decision Sought:</u> Policy 4 be amended to read:</p> <p>To identify <u>existing nodes of development within the Bluff and Omaui areas</u> as the appropriate locations for subdivision, use and development in the coastal environment and to give priority to the preservation of the natural character <u>and outstanding natural features and landscapes</u> of the coastal environment elsewhere.</p> <p>And review the explanation to the policy to ensure it is clear and adds value to the policy.</p>	<p>Reasons</p> <ol style="list-style-type: none"> 1. The Policy is poorly worded and amendment is required to provide clarity, without altering its overall intent. 2. Activities, in addition to residential, take place within the coastal environment. As a consequence, the precise wording suggested by the Department of Conservation is not appropriate. 3. This policy gives effect to Objectives 2 - 4 and is consistent with NZCPS Policy 6(c). 4. While Submission 18.37 by Environment Southland refers to Policy 4, it is apparent that it relates to Policy 2.

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<p>FS7.8 South Port New Zealand Ltd supports in part Submission 18.37 noting there may be an error in referencing for this submission as it appears to refer to Policy 2 – not Policy 4. The further submitter supports amendments that seek to appropriately narrow those areas where priority is given to preserving natural character. However, the further submitter also maintains that it is inappropriate to give preference or priority to preserving natural character in an environment that has already been significantly altered.</p>	
<p>77.10 Te Runaka o Waihopai and Te Runaka o Awarua The submitter supports Policy 3. Retain Policy 3.</p> <p>18.36 Environment Southland Policy 3 - This policy lists criteria for assessing proposals for subdivision, use and development of the coast. The submitter considers that the criteria within this policy do not align with the NZCPS or the Proposed Regional Policy Statement. The submitter seeks consistency between the proposed policy and Policy 13 of the NZCPS.</p> <p>FS8.7 Department of Conservation supports Submission 18.36. The submitter does not believe the criteria detailed in the policy are adequate or that they give effect to the NZCPS. The further submitter considers that the natural character of the coastal environment has not been assessed and identified in the District Plan as required by Policy 13 of the NZCPS.</p> <p>64.18 Department of Conservation Oppose Policy 3 - The submitter considers that the Proposed Plan does not give effect to Policy 13 of NZCPS as it does not identify areas of high natural character. The submitter considers that there should be an undertaking in the Policy for the Council to carry out a natural character assessment within a specified time period. The submitter notes that there is a natural character study of the coastal environment appended to the Regional Coastal Plan for Southland which identified areas within the coastal environment of Invercargill that are of high natural character, and suggests that this could be referenced in the Proposed Plan to satisfy the requirements of the NZCPS.</p> <p><u>Decision Sought:</u> Identify within the Plan areas of at least high natural character of the coastal environment or amend the wording of Policy 3 to commit to identifying these areas in the Proposed Plan by a specified timeframe.</p>	<p>Decision 17/13</p> <p>(i) Submission 77.10 Te Runaka o Waihopai and Te Runaka o Awarua is noted.</p> <p>(ii) Submissions 18.36 Environment Southland, 64.18 Department of Conservation, 24.11 South Port NZ Ltd and 71.9 NZAS Ltd are accepted in part.</p> <p>(iii) Submissions 79.6 KiwiRail Holdings Ltd and 88.37 Federated Farmers are rejected.</p> <p>Amendments to District Plan</p> <p>1. Policy 3 is amended to read:</p> <p><u>When assessing natural character in relation to proposals for subdivision, use and development, the following criteria will be considered:</u></p> <p>1. <u>In areas of the coastal environment with outstanding natural character, the extent to which the proposal avoids adverse effects on natural character; and</u></p> <p>2. <u>In all other areas of the coastal environment, the extent to which significant adverse effects on natural character are avoided, and other adverse effects are avoided, remedied or mitigated.</u></p> <p><u>Explanation:</u> <u>Natural character may include matters such as:</u></p> <p>(a) <u>Natural elements, processes and patterns</u></p> <p>(b) <u>Biophysical, ecological, geological and geomorphic aspects</u></p> <p>(c) <u>Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks</u></p> <p>(d) <u>The natural movement of water and sediment</u></p> <p>(e) <u>The natural darkness of the night sky</u></p> <p>(f) <u>Places or areas that are wild or scenic</u></p>

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<p>FS2.19 NZAS Ltd opposes Submission 64.18 noting that it has no concerns with referencing the natural character study, however considers there is no need to duplicate the natural character study in the Proposed Plan or to undertake an identification process as sought.</p> <p><u>Decision Sought:</u> Amend Policy 3 as sought in submission 71.9 or if considered necessary cross reference to the natural character study appended to the Regional Coastal Plan, in preference to duplicating the study or undertaking a further identification process.</p> <p>24.11 South Port NZ Ltd The submitter opposes Policy 3 in part. South Port considers the matters listed in Policy 3 to be generally appropriate for assessing natural character. However the policy should also recognise the extent to which natural character has already been modified by subdivision, use and/or development. Add a new (H) which reads:</p> <p><u>The extent to which natural character has already been modified by subdivision, use and/or development.</u></p> <p>71.9 NZAS Ltd The submitter opposes Policy 3 in part. The submitter considers that the policy requires rewording to make it clear that it just sets out criteria for consideration of natural character, not as assessment for all subdivision use and development in the coastal environment. Policy 3 be re-worded as follows:</p> <p><u>When assessing natural character in relation to To assess proposals for subdivision, use and development, in relation to the natural character of the coast and in particular using the following criteria <u>should be considered:</u></u></p> <p>79.6 KiwiRail Holdings Ltd The submitter opposes Policy 3 in part. The submitter considers that there should be an additional criterion that seeks to preserve the operation of strategic infrastructure in coastal areas so that its operations are not compromised. Amend Policy 3 by adding the following:</p> <p><u>The extent to which subdivision, use and development might create reverse sensitivity effects on significant infrastructure.</u></p>	<p><u>(g) A range of natural character from pristine to modified, and</u> <u>(h) Experiential attributes, including the sounds and smell of the sea, and their context or setting.</u></p> <p>2. Add at the end of Section 2.4 Coastal Environment</p> <p><i>The natural character of the Invercargill coastal environment is analysed in Appendix 4 of the Regional Coastal Plan for Southland (2013).</i></p> <p>Reasons</p> <p>1. The Council is required to give effect to the NZCPS, and Policy 3 is re-drafted to provide consistency to Policy 13 of the NZCPS. As the policy relates to assessment matters it is appropriate to include the provision in the District Plan.</p> <p>2. As discussed on pages 4 - 5 the assessment undertaken by Environment Southland is still reflective of the natural values of the coastal environment and it is appropriate to refer to the relevant document which can be had regard to when assessing the use and development of land.</p> <p>3. The needs of infrastructure are specifically and adequately provided for in Policy 5.</p> <p>4. The policy is intended to provide for criteria to adopt in order to protect natural character, not provide for particular activities such as farming which is provided for by the zone rules.</p>

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<p>FS7.7 South Port New Zealand Ltd opposes Submission 79.6. The submitter agrees in principle with the submission, however opposes its inclusion here as the policy relating to the natural character of the coast. The submitter considers that the inclusion of assessment criteria to the effect of that proposed would be better placed as a stand-alone “assessment criteria” policy for Objectives 2, 3 or 5.</p> <p>FS8.8 Department of Conservation opposes Submission 79.6. The submitter considers the addition to the policy does not relate to the natural character of the coastal environment and therefore cannot be included as part of the assessment criteria.</p> <p>88.37 Federated Farmers The submitter supports Policy 3 in part. The submitter considers that farming activities in the coastal environment should be allowed to continue, recognising the ethics of stewardship and responsible environmental management that are an increasingly important part of the decisions of coastal landowners.</p> <p><u>Decision Sought:</u> That the Council recognises that farming activities within the coastal environment are an appropriate use of the land by adding the following criterion to the list:</p> <p><u>(H) Agricultural values - This will provide additional protections for coastal landowners and enable them to continue to benefit from the use of their land, and farm profitably into the future.</u></p> <p>FS8.9 Department of Conservation opposes Submission 88.37. It considers that the additional criteria does not relate to the natural character of the coastal environment and therefore cannot be included as part of the assessment criteria.</p>	
<p>77.11 Te Runaka o Waihopai and Te Runaka o Awarua The submitter supports Policy 4. Retain Policy 4.</p> <p>24.12 South Port New Zealand Ltd Policy 4 - The submitter considers that the drafting of this policy is confusing and inconsistent with Part 2 of the RMA. The Act does not require outright provision for the protection of amenity, social, intrinsic, ecological (etc) values. The submitter also considers that it is inappropriate to provide for public</p>	<p>Decision 17/14</p> <p>(i) Submission 77.11 Te Runaka o Waihopai and Te Runaka o Awarua is noted.</p> <p>(ii) Submissions 24.12 South Port New Zealand Ltd and 88.38 Federated Farmers are accepted in part.</p>

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<p>access to all parts of the coastal environment, particularly where public safety could be compromised, for example in and around the Port operations. The submitter also considers (E) to be out of place within the context of this policy and that it should be removed.</p> <p>The submitter seeks an amendment to the policy as follows:</p> <p>To promote the utilisation of adequate measures or methods within the coastal environment when providing for subdivision, use and development to:</p> <p>(A) Protect <u>Avoid, remedy or mitigate adverse effects on amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values.</u></p> <p>(B) <u>Maintain or enhance public access where appropriate.</u></p> <p>(C) <u>Avoid or mitigate the effects of natural hazards.</u></p> <p>(D) <u>Avoid or mitigate the impact of predicted sea level rise and climate change.</u></p> <p>(E) Take cumulative and precedent effects into account in making decisions affecting the coast</p> <p>FS2.20 NZAS Ltd supports Submission 24.12 commenting the relief sought more accurately reflects the obligations under Section 5 of the RMA to “avoid, remedy or mitigate adverse effects”. The further submitter also supports the change that it may not always be appropriate for public access to the coastal environment to be maintained or enhanced.</p> <p>FS4.18 Federated Farmers supports in Part submission 24.12. The protection of amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values need to be balanced against economic values, practicality and private landowner interests. In some areas, the further submitter considers that public access to the coast can be inappropriate and dangerous.</p> <p>FS39.5 Environment Southland opposes Submission 24.12 and considers this policy is consistent with the Proposed RPS for Southland.</p> <p>88.38 Federated Farmers</p> <p>The submitter supports Policy 4 in part. The submitter considers that it is important to recognise that many of the natural features and areas of indigenous biodiversity in the coastal environment can be situated within working farm environments. The intrinsic and heritage values associated with</p>	<p>Amendments to District Plan</p> <p>Policy 4 is deleted and replaced with the following:</p> <p>Policy 4 <u>To seek the maintenance and enhancement of public access within the coastal environment through regulatory and non-regulatory means where it:</u></p> <p>(a) <u>Is practical to do so;</u></p> <p>(b) <u>Will not give rise to health and safety issues; and</u></p> <p>(c) <u>Will not interfere with the reasonable use of the land by the occupier.</u></p> <p><i>Explanation: The Objectives and Policies of the NZCPS and Regional Policy Statement for Southland require provision of public access along the margins of the coast in certain circumstances and the Council will seek to implement that by a range of regulatory and non-regulatory techniques while recognising potential effects and impacts of such access.</i></p> <p>Policy 5 <u>Avoid, remedy or mitigate adverse effects on amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values within the coastal environment.</u></p> <p><i>Explanation: The coastal environment contains a multitude of values and it is appropriate to manage activities to avoid, remedy or mitigate any adverse effects of activities on those values. Such action is consistent with the NZCPS and Regional Policy Statement for Southland.</i></p> <p>Reasons</p> <ol style="list-style-type: none"> Public access along the margins of the coast is a significant resource management issue that requires consideration as a separate policy, balancing the provisions of such access with appropriate considerations and the use of a range of regulatory and non-regulatory techniques. Matters (C) and (D) deleted from the policy are provided for in the Natural Hazards section of the District Plan and do not require additional consideration here.

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<p>the coastal environment must be balanced with the importance of these working environments and the use of non-regulatory methods will ensure the greatest landowner buy-in. Amend Policy 4 as follows:</p> <p>Policy 4 Protection of values and attributes: To promote the utilisation of adequate <u>non-regulatory</u> measures or methods within the coastal environment when providing for subdivision, use and development to:</p> <p>(A) Protect amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values.</p> <p>(B) Maintain or enhance public access.</p> <p>FS39.6 Environment Southland opposes in part submission 88.38 in that the proposed policy is consistent with the Proposed Regional Policy Statement for Southland. It enables both regulatory and non-regulatory measures and methods to be utilised.</p>	
<p>53.5 NZ Transport Agency Policy 5 - The submitter supports this policy. Retain Policy 5 as proposed.</p> <p>24.13 South Port NZ Ltd, 90.2 H W Richardson Group Ltd, 91.4 PowerNet Ltd and 103.1 Invercargill Airport Ltd The submitters support Policy 5 insofar as it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment. Retain Policy 5.</p> <p>FS28.4 - FS28.7 NZ Transport Agency supports Submissions 24.13, 90.2, 91.4 and 103.1, agreeing that certain activities have a functional need to locate within the coastal environment.</p> <p>64.18 Department of Conservation The submitter supports Policy 5 in part. The submitter considers that the policy gives priority to certain land uses over other coastal uses and that context is important in determining functional need and the appropriateness of providing for activities in a particular location.</p> <p><u>Decision Sought:</u> Reword Policy 5 as follows so that the policy is consistent with Policy 6(2)(c) of NZCPS:</p> <p><u>To give priority to recognise the functional need for</u> infrastructure, port and renewable energy projects <u>in determining appropriate locations and/or management in the that have a functional need of a</u> coastal environment</p>	<p>Decision 17/15</p> <p>(i) Submissions 53.5 NZ Transport Agency, 24.13 South Port NZ Ltd, 90.2 H W Richardson Group Ltd, 91.4 PowerNet Ltd and 103.1 Invercargill Airport Ltd are noted.</p> <p>(ii) Submissions 64.18 Department of Conservation, 71.10 NZAS Ltd, 77.12 Te Runaka o Waihopai and Te Runaka o Awarua 87.5 and 87.6 Transpower NZ Ltd are accepted in part.</p> <p>Amendments to District Plan Amend the Explanation to Policy 6 (previously Policy 5 as notified) to read:</p> <p><i>Explanation: The Port of Bluff and wharf facilities at Tiwai Point straddle the coastal marine area and the landward edges of the coastal environment and they have a functional need for such a location, as do mineral extraction activities. and parts have been highly modified by mineral extraction activity. Infrastructure including roads, and railways, and communication and power lines can also have a need to be located within the coastal environment in order to provide essential services. around the district. There are several other important utilities and facilities in the coastal environment around the New River Estuary. These include the Invercargill Airport and Waste Water Treatment Plant at Clifton.</i></p> <p><i>Other activities, such as the aluminium smelter at Tiwai Point, <u>are</u> located in the coastal</i></p>

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<p>location, and make provision for other facilities and activities that have located in the coastal environment for historic reasons.</p> <p>FS5.6 Invercargill Airport Ltd and FS7.9 South Port New Zealand Ltd oppose Submission 64.18, considering that priority needs to be given to infrastructure and future development opportunities, particularly where those activities have locational and functional constraints in order to provide for the foreseeable needs of future generations. The submitter considers that this will ensure the economic well-being of the Airport is provided for into the future and in turn the social and economic well-being of the City and the region.</p> <p>71.10 NZAS Ltd The submitter opposes Policy 5 in part. The submitter considers that the policy does not recognise that the smelter has located within the coastal environment for not only historical reasons but also for a functional need. Amend Policy 5 and associated explanation as follows:</p> <p>To give priority to infrastructure, port, <u>the Tiwai Point Aluminium Smelter</u> and renewable energy projects that have a functional need of a coastal environment location, and make provisions for other facilities and activities that have located in the coastal environment for historical reasons.</p> <p>Explanation: <u>The aluminium smelter at Tiwai Point, has located in the coastal environment because of its functional need to be within this location and for historic reasons. As a result, it has invested heavily in its buildings, plant and equipment. Other activities, such as the aluminium smelter at Tiwai Point, located in the coastal environment for historic reasons and have invested heavily in buildings, plant and equipment.</u></p> <p>FS7.10 South Port New Zealand Ltd supports Submission 71.10, and the recognition of the Tiwai Point aluminium smelter in this policy as it would give effect to Objective 2 amended by relief sought in South Port NZ and NZAS submissions.</p> <p>77.12 Te Runaka o Waihopai and Te Runaka o Awarua The submitter opposes Policy 5 in part. The submitter considers that priority cannot be given to activities in locations that are considered inappropriate by Iwi, however the submitter noted that this concern is addressed in Rules – Energy 3.6(A)(d). Re-word to balance more with Policies 2, 3, and 4 and Method 3.</p>	<p><i>environment for historic reasons and have invested heavily in their buildings, plant and equipment. The coastal environment contains significant mineral deposits, and parts have been highly modified by mineral extraction activity. Many Much of the district's sporting and recreational activities requiringrequire large areas of land are located within the coastal environment. All these activities are important in enabling development and diversification to occur to meet the changing needs of the Invercargill City District and the Southland region. Many have a functional need of coastal space. For others, it is not practicable to consider relocation.</i></p> <p><u>Where new activities are being established, notwithstanding this policy, regard must be given to the suitability of any site and, together with any expansion of existing activities, the extent to which adverse effects can be avoided, remedied or mitigated, having regard to the provisions of the Resource Management Act 1991.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. A change to Policy 6 (previously Policy 5 as originally notified) does not dilute the validity of the concept of functional need. 2. The wording of the policy and explanation is not inconsistent with the NZCPS. The functional need is being “recognised” by giving it priority, but that does not override the requirements of the RMA to have regard to the effects of such activities. 3. The policy is written in general terms, and specific mention is not required in it of the Tiwai Smelter, the National Grid or other activities. 4. The Smelter does not have a functional need to be located in the coastal environment. It is there for historic reasons and this is recognised as such. 5. The term “technical and/or operational requirement” has the same meaning as “functional need” and the latter is easier to understand. 6. Invercargill Airport is not located in the coastal environment and reference to it is not required.

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<p>FS2.21 NZAS Ltd opposes Submission 77.12, believing it is not clear whether the submitter takes issue with the location of the smelter, but notes that the smelter has a functional need for its location and the smelter has been located there for several decades. The submitter seeks to amend Policy 5 as set out in submission 71.10.</p> <p>87.5 Transpower NZ Ltd The submitter supports Policy 5 in part. The submitter suggests that the words “functional need” be replaced with “technical and/or operational requirement” to reflect the wording used in the NPSET. Amend Policy 5: Functional Need as follows with any consequential amendments: Policy 5 Functional Need Technical and Operational Requirements: To give priority to infrastructure, port and renewable energy projects that have a functional need <u>technical and/or operational requirement</u> of a coastal environment location, and make provision for other facilities and activities that have located in the coastal environment for historical reasons.</p> <p>87.6 Transpower NZ Ltd The submitter opposes Policy 5 in part, noting that the policy describes “other activities” in the coastal environment such as the “aluminium smelter at Tiwai Point” but does not include mention of the Transpower lines that provide power to the smelter. The submitter seeks that the explanation to the policy be amended to specifically identify the National Grid connection to the Tiwai smelter, and that words “functional need” be replaced with “technical and/or operational requirement” to reflect the wording used in Policy 3 of the NPSET. <u>Decision Sought:</u> The explanation to Policy 5 be amended as follows: Explanation: The Port of Bluff straddles the coastal marine area and the landward edges of the coastal environment, as do roads and railways around the district. There are several other important utilities and facilities in the coastal environment around the New River Estuary. These include the Invercargill Airport and Waste Water Treatment Plant at Clifton. Other activities, such as the aluminium smelter at Tiwai Point and the associated National Grid transmission lines, located in the coastal environment for historic reasons and have invested heavily in their buildings, plant and equipment</p>	

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<p>Many have a functional need <u>technical and/or operational requirement to be located within</u> of coastal space. For others, it is not practicable to consider relocation.</p> <p>FS5.7 Invercargill Airport Ltd and FS7.11 South Port New Zealand Ltd oppose in part submissions 87.5 and 87.6, considering that the use of the term “functional need” is consistent with the language in the NZCPS and should be retained given the policy specifically relates to the coastal environment. Retain use of the word/concept of “functional need”, re-drafting the Policy as necessary to integrate with the wording of NPSET.</p>	
<p>2.4.4 Methods of Implementation</p>	
<p>71.11 NZAS Ltd Method 2 - The submitter considers it appropriate to delineate the coastal environment on the Planning Maps. Retain Method 2.</p>	<p>Decision 17/16 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the inclusion of the coastal environment on the District Planning Maps and seeks no change to that.</p>
<p>18.38 Environment Southland Method 3 - The submitter considers that this method lacks any reference to “natural hazards”, yet Policy 4 clearly contemplates their consideration.</p> <p><u>Decision Sought:</u> The addition of the following: (C) <u>Avoid or mitigate the adverse effects of natural hazards including the impact of predicted sea level rise and climate change</u></p>	<p>Decision 17/17 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons The amended wording in Policy 4 removes the need for an addition in the Methods.</p>
<p>65.8 ICC Environmental and Planning Services Method 4 - The submitter supports this method in part. The submitter considers that it should be split up into two methods, with the first method being “disseminating information”; and the second method being “co-operating with other organisations and landowners”.</p>	<p>Decision 17/18 This submission is accepted.</p> <p>Amendments to District Plan 1. Amend Method 4 to read: Method 4 Facilitation of information dissemination</p>

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<p>FS4.19 Federated Farmers supports Submission 65.8, agreeing that Method 4 incorporates two separate methods which should be separated for clarity, and to ensure the importance of cooperating with landowners is highlighted.</p>	<p>2. Add new Method 5, with consequential renumbering: <u>Method 5 Co-operating with other organisations and landowners</u></p> <p>Reason The Plan reads more clearly by splitting Method 4.</p>
<p>65.9 ICC Environmental and Planning Services Method 6 - Support in part. The submitter considers that regulatory means can also be used to facilitate the provision of access to the coast, for example through conditions on resource consents where a subdivision occurs in the coastal environment requiring some form of esplanade reserve. Amend Method 6 to read: Facilitation of the provisions of access to the coast through <u>both regulatory and non-regulatory means</u></p> <p>FS4.20 Federated Farmers opposes Submission 65.9. It considers that the best way to ensure landowner buy-in to public access is to talk with landowners about the benefits and issues, and obtain cooperation through non-regulatory means. The further submitter emphasises that access must be negotiated with the landowner without the presumption of a right to public access. Amend Method 6 to read: <i>Facilitation of the provisions of access to the coast through <u>both regulatory and non-regulatory means. ???</u></i></p> <p>FS7.12 South Port New Zealand Ltd opposes in part Submission 65.9, considering that regulatory methods should only be adopted where appropriate, as there are circumstances that arise where it may not be appropriate to provide access to the coast for health and safety reasons.</p> <p>88.39 Federated Farmers The submitter supports Method 6, pointing out that there is no legal requirement for public access to areas of value either on, or that can only be accessed across, privately owned land, and emphasises that access must be negotiated with the landowner without the presumption of a right to public access. Amend wording to: Method 6 Facilitation of the provision of access to the coast <u>with appropriate landowner permission and through non-regulatory means.</u></p>	<p>Decision 17/19 This submission is accepted in part.</p> <p>Amendments to District Plan Amend Method 6 (now renumbered as Method 7 as a consequence of Decision 17/9) to read: <u>Facilitation of the provision of access to the coast with landowner permission through non-regulatory means, and through conditions on resource consents and creation of esplanade reserves.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> Public access to the coastline is promoted in the NZCPS, and is listed as a matter of national importance in Section 6 of the RMA. However, it is not always practical in view of the nature of the land use, or the cost of providing that access compared with the benefit to the public derived from it. Landowner cooperation is essential and non-regulatory methods can be adopted to promote public access. The RMA also provides opportunities for public access to be formally considered, such as when subdivision consents and some land use consents are sought.

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<p>88.40 Federated Farmers Method 7 - The submitter supports this method, considering that where Council uses “financial incentives” to gain public access to privately owned coastal land, this should be for the agreed duration of the public access and include all associated maintenance, so as not to become a burden for the landowner. Amend Method 7 to read: Method 7 Use of financial incentives <u>and maintenance agreements</u> by Council <u>for the duration of the agreed term</u> where access is provided.</p>	<p>Decision 17/20 This submission is rejected, Amendments to District Plan None required. Reasons 1. The term “financial incentives” is sufficiently broad to enable the kinds of arrangement envisaged by the submitter, but these are likely to be appropriate only in a limited range of circumstances. 2. A District Plan policy should not purport to bind parties to timeframes or maintenance agreements because they are not anticipated in national or regional policy.</p>

SECTION TWO ISSUES, OBJECTIVES AND POLICIES

2.4 Coastal Environment

~~The coastline that penetrates and borders the district to the west and south is about 165 kilometres in length. The Invercargill City District contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast.~~¹ It is a highly dynamic entity. In a short period of time (geologically speaking) the district's coast has gone through much change. Change due to coastal processes is expected to continue especially if sea level continues to rise as much as predicted.²

...
The natural character of the Invercargill coastal environment is analysed in Appendix 4 of the Regional Coastal Plan for Southland (2013).³

2.4.1 Issues

The significant resource management issues for the coastal environment:

4. ~~A range of activities, including sea ports and infrastructure, located within the coastal environment can affect its natural character but also have a functional need of coastal space. In these cases conservation needs to be balanced against development needs.~~⁴

2.4.2 Objectives

Objective 3: Provide for existing infrastructure and development within the coastal environment, including the port of Bluff and Tiwai Smelter and recognise the functional need for some activities to locate within the coastal environment. Bluff is identified as the appropriate location for port facilities, and other activities which have a functional need to locate in the port area.⁵

Objective 5: Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, recognising that such developments may have specific locational and technical constraints,⁶ while maintaining and enhancing public access and preserving natural character as far as practicable.

Objective 6: ~~Avoid adverse effects of land use and development on coastal water quality and ecosystems are maintained or enhanced.~~⁷

¹ Decision 17/2

² Decision 17/2

³ Decision 17/13

⁴ Decision 17/4

⁵ Decision 17/8

⁶ Decision 17/9

⁷ Decision 17/10

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

2.4.3 Policies

Policy 1 Identification and delineation: To identify the coastal environment and to delineate it on the District Planning Maps.

Explanation:⁸ ~~The District Planning Maps delineate the coastal environment within the Invercargill City District to enable easy identification provide clarity as to when district plan provisions apply. The criteria used to identify areas within the coastal environment are:~~

~~(A) Topography.~~

~~(B) Height above mean sea level (used to identify areas which may be susceptible to sea level rise/storm surge).~~

~~(C) Geology.~~

~~(D) Amenity values.~~

~~(E) Botany.~~

~~(F) Landscape values.~~

Policy 2⁹ Locations for use and development: To identify the Bluff area, and the hamlet of Omaui as the appropriate locations for subdivision, use and development in the coastal environment and, subject to providing for activities with a functional need to locate in the coastal environment, to give priority to preservation of the natural character of the coastal environment elsewhere.

Explanation: This approach will encourage development to locate in areas that are already modified and This approach will help avoid cumulative effects, of an activity and precedent effects of a decision exceeding the carrying capacity of an area, and help protect natural character, outstanding natural features and landscapes, and other values of the area coastal environment.

Policy 3¹⁰ Assessment criteria: When assessing natural character in relation to proposals for subdivision, use and development, the following criteria will be considered:

1. In areas of the coastal environment with outstanding natural character, the extent to which the proposal avoids adverse effects on natural character; and

2. In all other areas of the coastal environment, the extent to which significant adverse effects on natural character are avoided, and other adverse effects are avoided, remedied or mitigated.

Explanation: Natural character may include matters such as:

(a) Natural elements, processes and patterns;

(b) Biophysical, ecological, geological and geomorphic aspects

(c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks

(d) The natural movement of water and sediment

(e) The natural darkness of the night sky

⁸ Decision 17/11

⁹ Decision 17/12

¹⁰ Decision 17/13

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- ~~(f) *Places or areas that are wild or scenic*~~
- ~~(g) *A range of natural character from pristine to modified, and*~~
- ~~(h) *Experiential attributes, including the sounds and smell of the sea, and their context or setting.*~~

~~To assess proposals for subdivision, use and development, in relation to the natural character of the coast and in particular using the following criteria:~~

- ~~(A) *Natural science factors.*~~
- ~~(B) *Aesthetic values.*~~
- ~~(C) *Expressiveness.*~~
- ~~(D) *Transient values.*~~
- ~~(E) *The extent to which the values are shared or recognised.*~~
- ~~(F) *Value to the tangata whenua.*~~
- ~~(G) *Historical associations.*~~

~~**Explanation:** *The natural character of the Invercargill coastal environment and its natural qualities derive from the following:*~~

- ~~(A) *Visual values including light.*~~
- ~~(B) *Scenic values with views of the sea and seascape.*~~
- ~~(C) *Intrinsic value of ecosystems.*~~
- ~~(D) *Qualities of expansiveness and remoteness.*~~
- ~~(E) *A predominance of natural noise.*~~
- ~~(F) *Individual sounds of the sea.*~~
- ~~(G) *Dynamics of air, water and sediment.*~~
- ~~(H) *Areas of significant indigenous vegetation.*~~
- ~~(I) *Significant habitats of indigenous fauna.*~~
- ~~(J) *Natural landscapes, seascapes, and landforms.*~~
- ~~(K) *Geology and elevation.*~~
- ~~(L) *Aesthetic coherence.*~~
- ~~(M) *Natural physical processes.*~~
- ~~(N) *Change with the diurnal rhythm of the tides and the rhythm of the weather.*~~
- ~~(O) *A distinctive smell and taste characteristic of southern coastal areas.*~~

Policy 4¹¹ To seek the maintenance and enhancement of public access within the coastal environment through regulatory and non-regulatory means where it:

- (a) *Is practical to do so;*
- (b) *Will not give rise to health and safety issues; and*
- (c) *Will not interfere with the reasonable use of the land by the occupier.*

Explanation: The Objectives and Policies of the NZCPS and Regional Policy Statement for Southland require provision of public access along the margins of the coast in certain circumstances and the Council will seek to implement that by a range of regulatory and non-regulatory techniques while recognising potential effects and impacts of such access.

Policy 5¹² Avoid, remedy or mitigate adverse effects on amenity, social, intrinsic,

¹¹ Decision 17/14

¹² Decision 17/14

Note: Underline indicates additions, strikethrough indicates deletions.

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ecological, cultural, heritage, natural character and landscape and natural features values within the coastal environment.

Explanation: The coastal environment contains a multitude of values and it is appropriate to manage activities to avoid, remedy or mitigate any adverse effects of activities on those values. Such action is consistent with the NZCPS and Regional Policy Statement for Southland.

~~¹³**Protection of values and attributes:** To promote the utilisation of adequate measures or methods within the coastal environment when providing for subdivision, use and development to:~~

- ~~(A) — Protect amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values.~~
- ~~(B) — Maintain or enhance public access.~~
- ~~(C) — Avoid or mitigate the effects of natural hazards.~~
- ~~(D) — Avoid or mitigate the impact of predicted sea level rise and climate change.~~
- ~~(E) — Take cumulative and precedent effects into account in making decisions affecting the coast.~~

~~**Explanation:** The coast has a high level of intrinsic value, including scenic value. Public access to the coast is a treasured New Zealand tradition and expectation. The coastal environment is also hazard-prone. Hazard avoidance or mitigation is an important consideration in deciding how the coastal environment should be used.~~

Policy 56 Functional need: To give priority to infrastructure, port and renewable energy projects that have a functional need of a coastal environment location, and make provision for other facilities and activities that have located in the coastal environment for historical reasons.

~~**Explanation:**¹⁴ The Port of Bluff and wharf facilities at Tiwai Point straddles the coastal marine area and the landward edges of the coastal environment and they have a functional need for such a location, as do mineral extraction activities. and parts have been highly modified by mineral extraction activity. Infrastructure including roads, and railways, and communication and power lines can also have a need to be located within the coastal environment in order to provide essential services. around the district. There are several other important utilities and facilities in the coastal environment around the New River Estuary. These include the Invercargill Airport and Waste Water Treatment Plant at Clifton.~~

~~Other activities, such as the aluminium smelter at Tiwai Point, are located in the coastal environment for historic reasons and have invested heavily in their buildings, plant and equipment. The coastal environment contains significant mineral deposits, and parts have been highly modified by mineral extraction activity. Many Much of the district's sporting and recreational activities¹⁵ requiringrequire large areas of land are located within the coastal environment. All these activities are~~

¹³ Decision 17/14

¹⁴ Decision 17/15

¹⁵ Decision 29/7

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important in enabling development and diversification to occur to meet the changing needs of the Invercargill City District and the Southland region. ~~Many have a functional need of coastal space. For others, it is not practicable to consider relocation.~~

Where new activities are being established, notwithstanding this policy, regard must be given to the suitability of any site and, together with any expansion of existing activities, the extent to which adverse effects can be avoided, remedied or mitigated, having regard to the provisions of the Resource Management Act 1991.

2.4.4 Methods of Implementation

Method 4¹⁶ Facilitation of information dissemination, ~~and~~

Method 5¹⁷ ~~Co-operating with other organisations and landowners.~~

Method 6¹⁸ Facilitation of the provision of access to the coast with landowner permission through non-regulatory means, and through conditions on resource consents and creation of esplanade reserves.

¹⁶ Decision 17/18

¹⁷ Decision 17/18

¹⁸ Decision 17/19

Note: Underline indicates additions, strikethrough indicates deletions.