

**Proposed Change 1 to the Regional Policy
Statement for the Wellington Region**

**Section 42A Hearing Report
Hearing Stream Seven:
Small topics, wrap-up and Variation 1 –
Natural Character**

**Topic: Natural Character
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Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to natural character.
2. The Change 1 amendments to natural character pertain to one provision, Policy 3: Protecting high natural character in the coastal environment. Policy 3 is a regulatory provision that is required to be given effect to by district and regional plans. As notified, the Change 1 version of the Policy resulted in a matter for consideration in the policy ((P3(c)), relating to the consideration of social values, being deleted in order to bring it in line with direction under Policy 13 of the New Zealand Coastal Policy Statement 2010 (NZCPS) that addresses coastal natural character assessments.
3. This topic is following the Schedule 1, Part 1 process of the Resource Management Act 1991 ('RMA').
4. Sixteen submitters made a total of 45 submission and further submission points on the topic of natural character in the coastal environment. In general, the submissions were supportive of the approach proposed in the Change 1 amendments. The submissions sought a range of outcomes but were focussed around providing clarity in how to interpret natural character, providing recognition of Te Ao Māori values and partnership opportunities for mana whenua and questions on the scope of the Change 1 amendments. The following key issues were raised in submissions and are covered by this report:
 - Providing clarity on the intention of the policy including what natural character encompasses and the matters that are considered in its assessment;
 - The difference between natural character and the broader concept of landscape;
 - An understanding of reasonable use in high natural character areas;
 - Partnership approaches with mana whenua;
 - Scope of Change 1 amendments, and;
 - A range of general matters that submitters requested consideration across all provisions in Change 1 including; clear direction of objectives; consistent terminology use in provisions, and; use of policy explanations.
5. As a result of analysing the submissions and key issues, I have recommended some minor amendments to Policy 3 and its explanation to support the interpretation of the policy. These amendments can be summarised as follows:
 - The deletion of 'or' from the and/or clauses in the Policy;
 - The re-introduction of some wording and concepts from the explanation that were deleted from the operative RPS in the notified amendment, and;

- Inclusion of a reference to the section 6(a) of the RMA in the explanation.
6. Following a consideration of all the submissions and a review of the relevant statutory and non-statutory documents, it is recommended that Change 1 natural hazard provisions be amended as set out in Appendix 2 of this report.
 7. RMA Section 32AA assessments have been undertaken for recommended amendments to the provision.
 8. For the reasons outlined in the Section 32AA evaluations in this report, I consider that the recommended amendments to the provision are the most appropriate.

Interpretation

9. This report utilises a number of abbreviations as set out in Tables 1 and 2 below.

Table 1: Abbreviations of terms used in this report

Abbreviation	Means
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
CMA	Coastal Marine Area (as defined in the RMA)
DOC	Department of Conservation
GIS	Geographic Information System
GWRC or ‘the Council’	Greater Wellington Regional Council Te Pane Matua Taiao
LAs	Local Authorities (as defined in the RMA being; regional council and territorial authorities)
LGA	Local Government Act 2002
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-IB	National Policy Statement on Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Operative Natural Resources Plan for the Wellington Region
NZCPS	New Zealand Coastal Policy Statement 2010
NZILA	New Zealand Institute of Landscape Architects
RMA or the ‘Act’	Resource Management Act 1991

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RPS	Operative Regional Policy Statement for the Wellington Region 2013
TAs	Territorial Authorities (as defined in the RMA being; city and district councils)

Table 2: Abbreviations of submitters’ names used in this report

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
BLNZ	Beef + Lamb New Zealand Limited
DGC	Director-General of Conservation
Forest & Bird	Forest and Bird Te Reo o te Taiao
HCC	Hutt City Council Te Awa Kairangi
KCDC	Kāpiti Coast District Council Me Huri Whakamuri, Ka Titiro Whakamua
Meridian	Meridian Energy Limited
MDC	Masterton District Council Te Kaunihera ā-rohe o Whakaoriori
Outdoor Bliss	Heather Blissett, Outdoor Bliss
PCC	Porirua City Council
Te Tumu Paeroa	Te Tumu Paeroa Office of the Māori Trustee
UHCC	Upper Hutt City Council Te Kaunihera o Te Awa Kairangi ki Uta
WCC	Wellington City Council Me Heke Ki Pōneke
WIAL	Wellington International Airport Limited

1.0 Introduction

1.1 Report purpose and structure

10. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the submissions received on the topic and to recommend possible amendments to Change 1 in response to those submissions.
11. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the natural character provision in Change 1. It provides analysis of the original and further submissions received following notification of Change 1 and makes recommendations as to whether or not those submissions should be accepted or rejected. A summary of these submissions and the recommendations can be viewed in Appendix 1.
12. Following a consideration of all the submissions and a review of the relevant statutory and non-statutory documents, recommended amendments to the notified Change 1 natural character provision is summarised at the end of each section. Section 32AA evaluations conclude each section following the recommended amendments. A full strikeout and underline version of the natural character provision with the recommended amendments can be viewed in Appendix 2 of this report.
13. I have also had regard to other Section 42A reports including the 'Overview Report' by Kate Pascall and the 'General Submissions' report by Sarah Jenkin, both of which provide important background information to Change 1, including the statutory context and administrative matters.

1.2 Report scope

14. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The Freshwater Planning Process (FPP) under Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument. These provisions are marked in the Change 1 document with the freshwater icon.
 - The standard plan-making process in Part 1, Schedule 1.
15. The natural character provision is not listed as having a freshwater component and thus, this report addresses submission points and provisions which are subject to the Part 1, Schedule 1 process.

1.3 Report Author and Code of Conduct

16. My full name is Iain Nicholas Dawe. I am a senior policy advisor (hazards and coasts) for GWRC where I have been employed since 2006.

17. I hold an MSc with 1st class Honours in environmental sciences and a PhD specialising in coastal processes from the University of Canterbury and have over 20 years hazards and coastal resource management and planning experience.
18. As a senior policy advisor for the Council I provide scientific analysis, commentary and research into natural hazards and coastal resource matters that affect the Greater Wellington region and to write and/or provide expert advice and evidence for hearings, the Environment Court and policy that deals with managing the risks from natural hazards and the coastal environment. I provide advice to policy analysts, resource managers, consents officers, engineers and elected councillors in the region, and to businesses and the wider public.
19. I was the policy lead for the development of the natural hazards sections of both the RPS and the NRP and an advisor and reviewer of the coastal environment and coastal management provisions of the RPS and NRP.
20. Part of my role in the development of the NRP included an assessment and mapping of sites of geological significance in the coastal environment, where I authored a report on the significant geological features in the CMA of the Wellington Region to be included in Schedule J of the NRP.
21. I was also involved in the GIS mapping component of a number of schedules in the NRP that cover the coastal environment, including; sites of significance for mana whenua (schedule C1-C5); sites with significant historic heritage values (schedule E1-E5); significant bird habitats in the CMA (schedule F2), and; habitats with significant indigenous biodiversity values in the CMA (schedule F5).
22. In addition, I have been involved as an advisor in the natural character and outstanding natural landscapes studies that have been commissioned by GWRC over the past 10 years, which have been undertaken in accordance with the direction in the NZCPS and RPS.
23. My involvement in this work over the past 18 years has seen me develop an intimate knowledge of the coastal environment of the Wellington Region.
24. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence. My experience and qualifications are set out above.
25. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
26. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.4 Key considerations raised by submitters

27. Submitters were generally supportive of the proposed amendment to delete clause (c) of Policy 3 (para. 65), but raised the following issues and points for consideration:
- Providing clarity for the interpretation and wording within Policy 3;
 - The difference between the concept of 'natural character' and 'landscape';
 - An understanding of reasonable use in high natural character areas;
 - Providing for partnership approaches with mana whenua;
 - Clarity of statutory applications of regulatory and non-regulatory policies, and,
 - Validity and scope of Change 1 beyond giving effect to the NPS-UD and NPS-FM.
28. This report addresses the key issues directed at Policy 3, as well as the general comments raised by submitters concerning the proposed amendments in Change 1 as a whole.

1.5 Pre-hearing Meetings

29. At the time of writing this report there has not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

2.0 Statutory Considerations

Resource Management Act 1991

30. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:
- Section 30 - Functions of regional councils under this Act
 - Section 59 – Purpose of regional policy statements
 - Section 61 - Matters to be considered by regional council (policy statements),
 - Section 62 - Contents of regional policy statements,
 - Section 80A Freshwater Planning Process, and
 - Schedule 1 Part 1 and Part 4.
31. The RMA and the NZCPS both contain provisions that direct local authorities to identify, preserve, restore and protect coastal natural character.

32. The RMA directs under Section 59 that the purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.
33. Section 61 list the matters to be considered by regional policy statements and states that they must be prepared in accordance with, among other matters, the provisions of Part 2 of the RMA.
34. Part 2, Section 6 of the RMA contains a list of matters of national importance that includes coastal natural character. Specifically, in achieving the purpose of the Act in relation to managing the use, development, and protection of natural and physical resources, all persons exercising functions and powers under it, shall recognise and provide for:
 - (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
35. Two related clauses are contained in Part 2, Section 7. Section 7(c) provides that particular regard needs to be had to the maintenance and enhancement of amenity values in achieving the purpose of the RMA. Section 7(f) provides that particular regard shall be had to the maintenance and enhancement of the quality of the environment in achieving the purpose of the RMA.
36. Thus, the RPS must be prepared in accordance with this direction.
37. The closely related concept of outstanding natural features and landscapes is addressed in Section 6(b):
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
38. There is an important distinction between landscape and natural character. As explained below, natural character is a component of landscape, which is a broader concept taking into consideration a range of social and cultural values. The concept of landscape is introduced in this report in relation to distinguishing it from natural character and is included here to draw attention to the fact that it is an RMA Matter of National Importance, that is addressed in NZCPS Policy 15 and given effect to in RPS policies 25 and 26.

New Zealand Coastal Policy Statement 2010

39. The NZCPS is a policy document mandated under the RMA that provides direction on how local authorities and decision makers should approach the management and protection of coastal resources in regional policy statements and regional and district plans. Under section 62 of the RMA, the RPS must give effect to national policy statements, including the NZCPS.

40. One of the key issues identified in the NZCPS¹ in relation to coastal character is the loss of natural character, landscape values and wild or scenic areas along extensive areas of the coast, particularly in areas closer to population centres or accessible for rural residential development.
41. Addressing this issue is Objective 2 of the NZCPS: “To preserve the natural character of the coastal environment and protect natural features and landscape values through”:
 - Recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
 - Identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities, and;
 - Encouraging restoration of the coastal environment.
42. There are two main policies in the NZCPS that address the management of coastal natural character in the NZCPS; Policy 13 - Preservation of natural character and Policy 14 - Restoration of natural character.
43. Policy 13 requires councils to; “preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development”. To achieve this council’s are to assess the natural character of the coastal environment by mapping or otherwise identifying at least areas of high natural character. And, ensuring that RPS’s, and regional and district plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
44. The policy also states that natural character is not the same as natural features and landscapes or amenity values and may include matters such as, natural elements and processes, biophysical, ecological and geological elements and experiential attributes, including the sounds and smell of the sea and their context or setting. Importantly for the identification of natural character, it focusses on natural attributes in the environment and does not include social and cultural values.
45. This distinguishes it from Policy 15, that addresses the protection of natural features and landscapes (including seascapes) of the coastal environment. Landscape values include many aspects of natural character but also specifically include cultural and spiritual values and historic and heritage associations. In this way, natural character can be seen as a component of the broader concept of ‘Landscape’.
46. Policy 14 is a companion to Policy 13 focussed on promoting the restoration or rehabilitation of natural character of the coastal environment.
47. Policy 13 of the NZCPS is as follows:

¹ Page 5, NZCPS

“Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and:

(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

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

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified;

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

Natural character guidance documents

48. There are a number of guidance documents that have been produced to assist in identifying natural character and applying the RMA and NZCPS hazard provisions to planning documents. Guidance documents that have been consulted to assist with the RPS and Change 1 amendments include:

- NZCPS 2010 Guidance note Policy 13: Preservation of natural character, Department of Conservation, 2013;
- Best Practice Note: Landscape Assessment and Sustainable Management 10.1, New Zealand Institute of Landscape Architects, 2010, and;
- Te Tangi a te Manu-Aotearoa New Zealand Landscape Assessment Guidelines, New Zealand Institute of Landscape Architects, 2022.

49. The DOC guidance note to Policy 13 describes the term natural character of the coastal environment, and states that it covers the living and non-living

elements, patterns and processes of the coast that are the products of nature; that is not human-made. Natural character includes the perception of these elements, patterns and processes. Natural character is not limited to matters that are indigenous. The extent to which indigenous aspects are relevant will depend on the context of the assessment. It also states that the Courts have agreed an area can have high natural character even if the vegetation and species present are not largely indigenous.

50. Natural character is not defined in the RMA, but a working definition has been developed by DOC to describe the natural elements of all coastal environments (set out in the Guidance Note). It is endorsed by DOC as a useful and appropriate definition to guide natural character assessments undertaken in relation to Policy 13 of the NZCPS. That definition states that natural character is the term used to describe the natural elements of all coastal environments and the degree of natural character within an environment depends on:
1. The extent to which the natural elements, patterns and processes occur;
 2. The nature and extent of modification to the ecosystems and landscape/seascape;
 3. The degree of natural character is highest where there is least modification, and;
 4. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.
51. For the purposes of interpreting the NZCPS Policy 13(2), 'elements, patterns and processes' means; biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; and the natural movement of water and sediment.
52. Landscape and natural character are both RMA section 6 Matters of National Importance, but they are distinct, each with their own attributes and considerations. This is reflected in NZCPS Policy 13(2) which states that natural character is not the same as natural features and landscape, or amenity values.
53. Landscape is described in the Te Tangi a te Manu-Aotearoa New Zealand Landscape Assessment Guidelines as: '...the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations'. Boffa Miskell who undertook the Waikato District Landscape Study, state in that document that natural character is essentially concerned with the degree of "naturalness" associated with the natural elements, processes and patterns within the landscape and seascape. Natural Character can also be said to be a part of or a component of landscape, resting more within the biophysical aspects of landscape.

RMA evaluations

Section 32AA evaluations

54. An evaluation of the recommended amendments to provisions since the initial Section 32 evaluation has been undertaken in accordance with s32AA, which states:

32AA Requirements for undertaking and publishing further evaluations (1) *A further evaluation required under this Act —*

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must —

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

55. The Section 32AA evaluation as required by the RMA for changes proposed as a result of submissions on the natural hazard topic are included following the provision assessments in section 5.0 below.

Trade Competition

56. There are no known trade competition issues raised within the submissions on natural character and consequently trade competition is not considered relevant to this topic within Change 1.

3.0 Consideration of Submissions and Further Submissions

Overview

57. The Natural Character topic area addresses one provision, namely Policy 3. One amendment was made to Policy 3 in Change 1 to delete clause (c) that included elements of social and cultural values (see para. 65) in order to bring it in line with the direction of the NZCPS Policy 13 that does not include these values (as discussed in para's. 43-45), and to which Policy 3 is giving effect.
58. A total of 45 submission points by 16 different submitters were received on this provision. Of these, 13 submissions and 7 further submissions were made specifically on Policy 3. Whilst 19 submissions and 6 further submissions were more general comments, directed at considerations to be made across all the proposed amendments in Change 1.

Report Structure

59. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross several sub-topics and are therefore addressed under more than one sub-topic heading.
60. Clause 10(3) of Schedule 1, Part 1 of the RMA specifies that the Council is not required to address each submission individually. On this basis, I have undertaken the analysis and evaluation on an issues and provisions-based approach, rather than a submission-by-submission approach, noting that all submissions have been considered within this report.
61. For each sub-topic, the analysis of submissions is set out in this report as follows:
 - i. Matters raised by submitters;
 - ii. Assessment and analysis of submissions
 - iii. Recommendations
62. This report should be read in conjunction with the submissions and the summary of those submissions. Based on the submissions analysis in this assessment report, a summary table of the recommendations on whether to accept or reject individual submission points can be seen in **Appendix 1**.
63. RMA Section 32AA evaluation Recommended amendments to provisions as a result of relief sought by submitters are summarised in the main body of this report. A full strikeout and underlined version of the Change 1 natural hazard provisions as a result of these recommendations is set out in **Appendix 2**.

Matters raised by submitters - general comments

64. Submitters raised a number of general submission points in relation to all of the Change 1 amendments. Those points that pertain to Policy 3 are included here for assessment.

65. Policy 3 as notified in Change 1 is:

“Policy 3: Protecting high natural character in the coastal environment – district and regional plans

District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:

(a) The extent to which natural elements, patterns and processes occur, including:

(i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;

(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;

(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and/or

(iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.

(b) The nature and extent of modifications to the place, site or area, including, but not limited to:

(i) physical alterations by people to the landscape, its landforms, waterforms water forms, vegetation, land cover and to the natural patterns associated with these elements;

(ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;

(iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and/or

(iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.

~~(c) Social values: the place, site or area has meaning for a particular community or communities, including:~~

~~(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or~~

~~(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its contribution to the sense of identity of a particular community.~~

Explanation

~~Although it is a matter of national importance to preserve the natural character of the coastal environment, the Resource Management Act does not preclude appropriate use and development in the coastal environment.~~

~~The New Zealand Coastal Policy Statement further establishes a requirement to define what form of subdivision, use, development or occupation would be appropriate in the coastal environment and where it would be appropriate. Policy 3 supports these requirements, along with policies 55 and 56, which promote a compact, well designed and sustainable regional form.~~

~~Case law⁷ has established that 'natural character' does not necessarily mean pristine or completely unmodified character. Natural character occurs on a continuum, from pristine to totally modified. Most of the coastal environment has some element of natural character and, conversely, some degree or element of modification.~~

~~Policy 3 implements the New Zealand Coastal Policy Statement by requiring requires district and regional plans to protect areas considered to have 'high' natural character from inappropriate subdivision, use and development. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character.~~

~~The policy lists the matters to be considered when assessing natural character. Policy 3 (a) contains factors which contribute 'natural' attributes to an area, while the factors within clause (b) are about people's influence in or upon the area, which can compromise, modify, or otherwise diminish the natural character of the area.~~

~~When making a determination as to whether the degree of natural character is high in a particular location, an area of high natural character is likely to be dominated by natural elements rather than by the influence of human activities, and/or the natural elements will be out of the ordinary or otherwise regarded as important in terms of one or more of the factors outlined within~~

~~policy 36(a) and (c). Alternatively, an area of high natural character may be regarded as having qualities which are relatively uncompromised by human activities and influence, as specified within 36(b).~~

~~Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan.~~

~~Related policies within this Regional Policy Statement direct regional and district plans to identify and protect historic heritage places, sites and areas (policies 21 and 22), ecosystems with significant biodiversity value (policies 23 and 24), outstanding natural features and landscapes (policies 25 and 26), and special amenity landscape values (policies 27 and 28) – using the criteria outlined in each policy, and guidance that will be developed to assist with implementation of the Regional Policy Statement (method 7).”~~

Submissions supportive in part

66. Outdoor Bliss [S11.023] supports in part the approach to the natural character topic but seeks that Change 1 amendments use stronger and more directive language throughout the document. For example, replace 'promote', 'support' and 'encourage' with 'implement' or 'incentivize' or words to this effect, and replace 'consideration' with 'essential' and 'non-regulatory' with 'regulatory'.
67. KCDC [S16.097] support in part the natural character provisions but request objectives that do not clearly seek an outcome or are outside of what can be achieved in a regional policy statement are redrafted. KCDC seek that objectives state what is to be achieved, clearly relate to an issue, and can be determined through implementation and monitoring.

Submissions in opposition / partial opposition

68. KCDC question a number of aspects of Change 1. In particular, KCDC [S16.0100] oppose the inappropriate use of verbs within objectives and policies that conflict with the RMA or higher-level statutory planning documents. KCDC request that all the verbs used in objectives and policies are reviewed and replaced with appropriate verbs from the RMA or higher-level statutory planning documents.
69. KCDC [S16.0102] oppose the use of 'and/or' terminology throughout Change 1, noting that its use generally means a choice can be made and that it should only be used where appropriate. KCDC state that this is an issue across the Change 1 amendments where, at times, there is uncertainty about whether there should be a choice or not and request that all instances of its use be reviewed.
70. KCDC [S16.0104] question the explanations to the objectives and policies and request that they are amended to delete unnecessary information and that any directly relevant content be moved into the provision itself.
71. KCDC [S16.0103] oppose provisions that attempt to use district plans to regulate free market activities or behaviors of individuals that fall outside of

matters controlled by the RMA, requesting that these are all deleted. KCDC [S16.0106] also generally oppose all provisions that are not supported by the RMA, statutory planning documents, or a clear evidence base, requesting that these are deleted.

72. UHCC oppose several elements of Change 1, focusing on the scope of provisions. UHCC [S34.0120] fundamentally oppose the change, seeking a full legal and planning review to address concerns raised in submissions. These concerns include the provisions not accurately reflecting the respective roles and function of territorial authorities [S34.0115] and lack of links to higher order policy documents [S34.0116]. UHCC [S34.0118] also highlight concerns that the Section 32 assessment is inadequate.
73. UHCC [S34.0117] oppose specific threshold-based provisions where scale has not been considered appropriately.
74. PCC [S30.0123] supported by Peka Peka Farm Ltd [FS25.041] oppose all 'consideration' policies given they often duplicate or conflict with 'regulatory' policies. PCC considers that these policies represent a regulatory overreach, will create unnecessary regulatory cost, and assume a level of expertise generally not available to consent authorities.
75. UHCC [S34.0111] oppose in part the process undertaken, including not completing a check of whether detailed relief sought in this submission could be addressed by other provisions in RPS PC1, not undertaking a full review of background or higher order documents, and not identifying all consequential amendments needed in response to relief sought.
76. UHCC [S34.0113] also oppose in part the use of negative language in issue statements requesting these are amended to be rewritten in neutral language.

Neutral submissions

77. PCC [S30.0116] supported by Peka Peka Farm Ltd [FS25.033; FS25.159] seek greater alignment with National Direction citing concerns that provisions either duplicate or are inconsistent with matters now comprehensively addressed by national direction.
78. PCC [S30.0117] supported by Peka Peka Farm Ltd [FS25.034] raise concerns regarding jurisdictional issues, specifically that some provisions are *ultra vires* functions under sections 30 and 31 of the RMA. PCC also highlight concerns that many of the provisions would require a transfer of powers from regional council to territorial authorities.
79. PCC [S30.0120] supported by Peka Peka Farm Ltd [FS25.038] state their preferred course of action would be the withdrawal of much of Change 1, or otherwise work with councils on a variation to amend significantly.
80. PCC [S30.099] supported by Peka Peka Farm Limited [FS25.132] request the addition of further definitions for currently undefined and unclear terms to assist in the interpretation and implementation of the RPS.

Analysis of general comments

Analysis of general submissions

81. I have considered the submission by Outdoor Bliss [S11.023] and note that Policy 3 is a regulatory policy that employs suitably directional language to satisfy the relief sought, *ie*; District and regional plans **shall** include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use.
82. I have considered the submission by KCDC [S16.097] that seeks a clear line of sight between objectives and policies and I consider that Policy 3 is suitably supported by a clear objective. In this case, Objective 4, which states: "The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development".
83. KCDC [S16.0100] request that the use of verbs within objectives and policies is reviewed to align more closely with the RMA. Policy 3 and its associated objective (O4) has been assessed for its use of verbs. I consider that suitably appropriate language has been used for the understanding and application of this provision. As summarised in section 2.1 of this report, the objective and policy use the same language for natural character assessments as Section 6 of the RMA and Policy 13 of the NZCPS. I note that KCDC support this amendment to the policy and consider that the relief sought by KCDC is provided in the natural character provisions.
84. KCDC [S16.0102] request that the use of 'and/or' in the Change 1 amendments be reviewed and seek relief that it is only used where specifically appropriate. Policy 3 contains two instances of the 'and/or' phrase in clause (a) and (b). Upon reviewing its use within the policy framework, I recommend deleting 'or' and retaining 'and' in these two instances. The policy lists a number of matters that all need to be considered as part of a natural character assessment and for purposes of clarity I recommend deleting 'or'.
85. KCDC [S16.0104] request a review of the explanations to the provisions and that they only be used sparingly where appropriate. The explanation to Policy 3 in the notified Change 1 document was heavily modified, with the bulk of the text being deleted and the remaining text limited to explaining the reason for the policy and a brief interpretation guide to the clauses of the policy. I consider this satisfies the relief sought and note, as KCDC did, that the explanations have no statutory weight. In this instance, the remaining text is included to provide context for the policy's inclusion in the RPS and a brief interpretive explanation, that I believe is appropriate and helpful for this provision.
86. KCDC [S16.0103; S16.0106] request the removal of all provisions that are not supported by the RMA, statutory planning documents, or robust evidence that justifies their inclusion in the RPS. Similarly, the statutory justification and scope of Change 1 was questioned by UHCC [S34.0120; S34.0115; S34.0116; S34.0118; S34.0111] and PCC [S30.0116; S30.0117; S30.0120] supported by Peka Peka Farm Ltd [FS25.033; FS25.034; FS25.038; FS25.159]. As

discussed in section 2.1 of this document, Policy 3 has been included in the RPS in order to give effect to Policy 13 of the NZCPS and Section 6(a) of the RMA (Matters of National Importance), namely; “the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development”. The Change 1 amendment deletes clause (c) of Policy 3 (see para. 65) in order to bring it in line with the evolving understanding of natural character that has developed since the RPS was made operative. I note that both KCDC and PCC are supportive of the Policy 3 amendment, and I consider that it meets the statutory tests requested by UHCC, PCC and KCDC to merit its continued inclusion in the RPS.

87. UHCC [S34.0113] also oppose in part the use of negative language in issue statements requesting these are amended to be rewritten in neutral language. The notified amendment to Policy 3, did not include any changes to the related issue (that sits within the coastal chapter) and it was not part of Change 1. Therefore, I provide no recommendation to this submission.
88. UHCC [S34.0117] also oppose specific threshold-based provisions where scale has not been considered appropriately. Policy 3 does not contain any thresholds. Therefore, I provide no recommendation to this submission.
89. PCC [S30.0123] supported by Peka Peka Farm Ltd [FS25.041] oppose all ‘consideration’ policies. Policy 3 is not a consideration policy; it is a regulatory policy that needs to be given effect to in district plans.
90. PCC [S30.099] supported by Peka Peka Farm Ltd [FS25.132] request that further clear and concise definitions are included in the RPS to provide clarity for undefined and unclear terms to assist in the interpretation and implementation of the provisions. No widely accepted definition of natural character has been developed and it is not defined in the RMA or the NZCPS. However, the Policy provides a clear description of the elements to be considered in a natural character assessment. Good guidance for understanding and undertaking coastal natural character assessments is also provided in the supporting guidance note to Policy 13 of the NZCPS:
 - *NZCPS 2010 Guidance note Policy 13: Preservation of natural character, Department of Conservation, 2013.*
91. Consequently, I provide no recommendation to this submission point on the basis that it is clearly worded and has supporting documentation for its implementation.

Recommendations on general comments

92. I recommend that the submission from KCDC [S16.0102] be accepted and that all instances of ‘and/or’ are amended by deleting ‘or’ and retaining ‘and’ as follows (red highlight):

“Policy 3: Protecting high natural character in the coastal environment – district and regional plans

District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. Natural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:

- (a) The extent to which natural elements, patterns and processes occur, including:
 - (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;
 - (ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;
 - (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; and~~or~~
 - (iv) surroundings: the setting or context, such that the place, site or area contributes to an understanding of the natural history of the wider area.
- (b) The nature and extent of modifications to the place, site or area, including, but not limited to:
 - (i) physical alterations by people to the landscape, its landforms, waterforms water forms, vegetation, land cover and to the natural patterns associated with these elements;
 - (ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of intrusiveness of these structures on the natural character of the place;
 - (iii) the temporal character of the modification – such as, whether it is fleeting or temporary, transitory, transitional or a permanent alteration to the character of the place, site or area; and~~or~~
 - (iv) any existing influences or pressures on the dynamic ecological and geophysical processes contributing to the presence and patterns of natural elements, such that these may change and the natural elements and/or patterns may become threatened over time.”

93. I recommend that the submissions from Outdoor Bliss [S11.023], KCDC [S16.097; S16.0100; S16.0104; S16.0103; S16.0106], UHCC [S34.0120; S34.0115; S34.0116; S34.0118; S34.0111], PCC [S30.0116; S30.0117; S30.0120] and further submissions by Peka Peka Farm Ltd [FS25.033;

FS25.034; FS25.038; FS25.041; FS25.159] be rejected on the basis that the relief sought by these submissions is satisfied by the wording and intent of the provision and the Change 1 amendments.

94. I provide no recommendation on the submissions from UHCC [S34.0113; S34.0117] and PCC [S30.099; S30.0123] and further submissions from Peka Peka Farm Ltd [FS25.132].
95. Accordingly, I recommend that the general submissions are either accepted, rejected or are subject to no recommendation as detailed in Appendix 2.

Matters raised by submitters - Policy 3

Submissions in support / partial support

96. Te Tumu Paeroa [S102.081], HCC [S115.032], and WCC [S150.034] all provide general support for Policy 3 and request it is retained as notified.
97. KCDC [S16.032] and PCC [S30.033] also support the proposed amendments on the grounds it will result in a greater consistency with the NZCPS and seek that it is retained as notified. PCC are supported by a further submission from Peka Peka Farm Ltd [FS25.066].
98. The DGC [S32.010], opposed in a further submission by BLNZ [FS30.288], supports the proposed amendments to Policy 3 as it gives better effect to Policy 13 of the NZCPS and seeks that it be retained as notified. The DGC noted that some elements of the explanation that have been deleted could be retained or reworded but acknowledges this doesn't affect the intent of the Policy.
99. Ātiawa [S131.055] supported in further submissions by Rangitāne [FS2.64] and Ngā Hapū o Ōtaki [FS29.325] support the Policy 3 amendments in part, and request that they be retained, but seek that additional words are added to the chapeau to specify that council's partner with mana whenua when identifying natural character. Similarly, Taranaki Whānui [S167.069] support in part the provision, also requesting GWRC partner with and resource mana whenua in identifying and protecting areas of high natural character.
100. Ātiawa also commented in their submission that Policy 3 does not provide strong policy direction, particularly how matters in clause (a) and (b) should be considered, relying instead on the explanation to clarify that matters in (b) can compromise, modify or otherwise diminish natural character as assessed from the matters in (a).
101. WIAL [S148.030] support in part Policy 3, supporting the changes made to the policy but noting that it is not clear as to how such amendments fit within the general theme of this policy.
102. Forest and Bird [S165.042], opposed in further submissions by WIAL [FS17.012] and BLNZ [FS30.319], support in part the Policy but request that it be extended to include protections for all areas of natural character in accordance with the requirements of the NZCPS. Forest and Bird noted that, whilst the mapping requirement in the NZCPS Policy 13 only extends to areas

of high natural character, the obligation to avoid significant adverse effects applies more broadly in 13(1)(b) and (d) (see para. 47 above for the full text of Policy 13).

103. MDC [S166.021] support in part Policy 3 and wish to see it retained as notified but seek clarity as to how it may be interpreted and affect decision making for example, expressing concern as to whether it will prevent appropriate use and development in coastal areas such as coastal protection works. MDC also queried how it will interact with the Wairarapa Combined District Plan Coastal Environment Area Overlay.

Submissions in opposition

104. Meridian [S100.013] opposes Policy 3 and seeks that the first statement deleted in the explanation is reinstated and requests that it include reference to s.6(a) of the RMA, eg; “*Section 6 (a) of the Resource Management Act requires that the preservation of the natural character of the coastal environment must be recognised and provided for and protected from inappropriate use and development. The Resource Management Act does not preclude appropriate use and development in the coastal environment.*” or words to this effect.

Neutral submissions

105. BLNZ [S78.008] accept that amendments to Policy 3 are required to give effect to the NPS-UD but remain neutral while requesting that the Policy is retained as notified. Parts of the BLNZ submission where the deletion of proposed amendments are requested are opposed by Ātiawa [FS20.316].

Analysis of submissions on Policy 3

106. KCDC [S16.032], PCC [S30.033], Te Tumu Paeroa [S102.081], HCC [S115.032], and WCC [S150.034] all accept the Change 1 amendments to Policy 3 and request that it be retained as notified. I accept in part these submissions, in as much that I recommend a minor amendment to Policy 3 as discussed above (para. 92). In my opinion, this does not significantly alter the meaning and intent of the policy to a degree that invalidates the aforementioned submissions.
107. MDC [S166.021] support in part Policy 3 and wish to see it retained as notified but seek clarity as to how it may be implemented and interact with the Wairarapa Combined District Plan. Policy 3 is directed at district and regional plans. It states that they shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. This allows flexibility for TAs to develop provisions appropriate for the district and which will need to go through a plan review process that enables local input. Thus, any changes that may need to be made to the district plan to give effect to Policy 3, will be worked through that standard plan change process. I note that the Wairarapa Combined District Plan is currently in review and that Policy 3 is in the operative RPS, so should

have been considered in relation to the development of the district plan's 'Coastal Environment Area Overlay'.

108. In relation to providing clarity, I draw attention to the introduction to the Coastal Chapter in the RPS which states: "Reasonable use of the coastal environment, including existing use, should be provided for, while protecting the coast from inappropriate activities and development." The explanation to the Policy also states: "Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character." Thus, some degree of modification (eg, rock revetments for road protection) may be considered appropriate use. Development of hard protection structures is also addressed in Policy 52. For clarity, I recommend re-including the following statements from the explanation to the Policy that were deleted in the Change 1 amendment:

"Natural Character does not necessarily mean pristine or completely unmodified character. It occurs on a continuum, from pristine to totally modified. Most of the coastal environment has some element of Natural Character and, conversely, some degree or element of modification."

"However, it does not preclude appropriate use and development in the coastal environment."

109. The DGC [S32.010] supports the proposed amendment to Policy 3 and seeks that it be retained as notified. I accept this submission in part (see my comments in para.106). The DGC went on to say that some elements of the explanation that have been deleted could be retained or reworded but it was not specified exactly what those elements are. Partial relief to this request is provided in my recommendation to re-include the statements above in response to MDC's request for further clarity. However, I agree that some concepts of the deleted sections of the explanation be re-introduced, specifically those that provide further clarity to the concept and implementation of natural character. Thus, I recommend the following paragraph is included:

"The Department of Conservation guidance note to Policy 13 of the New Zealand Coastal Policy Statement describes coastal natural character as including patterns and processes that are the products of nature, both living and non-living, but not those that are human-made. Natural character also includes the perception of these elements but does not specifically consider social and cultural values. Social and cultural values are considered within Policy 25 - identifying outstanding natural features and landscapes, of which natural character values are a component."

Because this paragraph includes a reference to the DOC guidance note to Policy 13, I recommend including a reference to the fact that Policy 3 implements Policy 13 of the NZCPS in an earlier paragraph of the explanation for clarity, as follows:

“Policy 3 implements *Policy 13 of the New Zealand Coastal Policy Statement* by requiring...”

110. In a further submission BLNZ [FS30.288] opposes the DGC submission, but I note that BLNZ [S78.008] (para. 105) supports the Change 1 amendments to Policy 3. Thus, I reject BLNZ’s further submission on the basis that it is opposed to Change 1 in general and doesn’t oppose any specific aspects of the submission from the DGC.
111. WIAL [S148.030] supports in part Policy 3 and accepts the changes but comments that it is not clear how such amendments fit within the general theme of the Policy. I provide no recommendation to this submission point and note that the change to Policy 3 (ie, the deletion of clause (c)) was made to bring it in line with Policy 13 of the NZCPS to which this Policy is giving effect. This reflects the accepted understanding of natural character as the body of practice has developed over the past 10 years.
112. Forest and Bird [S165.042], support in part the Policy but request the inclusion of further protections to cover all areas of natural character in accordance with the requirements of the NZCPS (13(1)(b) and (d)). I accept this submission in part but reject the request for further amendments to include all natural character. I do this on the basis that the operative RPS has related policies to satisfy this request and that give effect the requirements of Policy 13 of the NZCPS, namely: Policy 35 that provides direction for preserving the natural character of the coastal environment and; Policy 36 that provides direction for managing effects on natural character in the coastal environment.
113. In further submissions, WIAL [FS17.012] and BLNZ [FS30.319] oppose Forest and Bird’s submission. However, I note that both WIAL [S148.030] and BLNZ [S78.008] support the Change 1 amendments to Policy 3. WIAL oppose Forest and Bird’s submission on the basis that it is inconsistent with its own primary submission (para. 111). It appears WIAL oppose adding additional requirements to include all natural character to the Policy. As discussed above, I reject Forest and Birds request to do this and therefore, accept in part WIAL’s further submission. I also reject BLNZ’s further submission, for the same reason that I reject its opposition to the DGC submission (para. 110), on the basis that it is opposed to Change 1 in general and doesn’t oppose any specific aspects of Forest and Bird’s submission.
114. Taranaki Whānui [S167.069] and Ātiawa [S131.055] supported in further submissions by Rangitāne [FS2.64] and Ngā Hapū o Ōtaki [FS29.325] support the Policy 3 amendments in part, but request that the words ‘partner with mana whenua’ are added to the chapeau. I accept these submissions in part, but do not recommend that the additional words ‘partner with mana whenua’ are added to the policy as I believe there are other provisions in the RPS that satisfy this relief. In particular, Method 32 in Change 1 has been amended to specifically direct that GWRC *partner* with mana whenua/tangata whenua in the identification and protection of significant values, which includes those with

significant cultural values in M32(b). This is a change from the operative method that uses the term 'engage' with tangata whenua.

115. Further relief to this request is provided by; Objective 28, which states that the cultural relationship of māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained and; Policy 49 addresses recognising and providing for matters of significance to tangata whenua. Whilst I recognise that this doesn't fully provide the relief sought, there is clear direction in the RPS for GWRC to engage fully with mana whenua/tangata whenua when undertaking the type of work that is involved in identifying and assessing natural character. To facilitate and resource working relationships between mana whenua/tangata whenua in the Wellington region, GWRC has formed a dedicated group within the organisation called Te Hunga Whiriwhiri reporting directly to the Chief Executive.
116. Finally, I note that it is standard practice in natural character assessments to incorporate mana whenua/tangata whenua values, as outlined in the guidance document "*Te Tangi a te Manu-Aotearoa New Zealand Landscape Assessment Guidelines*" by the New Zealand Institute of Landscape Architects (2022).
117. With regards to the comment by Ātiawa that the Policy does not provide strong direction and that it is left to the explanation to provide a distinction between how the matters in clause (a) and (b) should be considered, I consider that this is provided in the chapeau and that the Policy is suitably strong enough, giving effect as it does to both the RMA and the NZCPS. The policy is written to provide a list of the matters to be considered in a natural character assessment, rather than explaining the methodological approach. The explanation goes some way to doing this, which is appropriate considering that a natural character assessment is, in most circumstances, undertaken by a qualified specialist with a well-established set of guidelines.
118. Meridian [S100.013] opposes Policy 3 and seeks that the first statement deleted in the explanation is reinstated and requests that it include reference to s.6(a) of the RMA. I accept Meridian's submission and recommend the explanation of the policy is amended using similar wording to that suggested in the submission and to reinstate a section of the deleted text as follows:
- "Section 6(a) of the Resource Management Act 1991 requires that the preservation of the natural character of the coastal environment and the protection of it from inappropriate use and development is recognised and provided for. However, it does not preclude appropriate use and development in the coastal environment."*
119. I believe this provides good context to the statutory reason Policy 3 is included in the RPS and clarifies that use and development in the coastal environment can be provided for while protecting it from inappropriate activities and development. This also provides further relief to that sought by MDC [S166.021] for clarity in the policy's interpretation.

120. BLNZ [S78.008] is neutral in its support but accepts the amendments to Policy 3 and requests that it is retained as notified. I accept this submission in part, in line with my reasoning discussed in paragraph 100 above.
121. Ātiawa [FS20.316] opposes those parts of the BLNZ submission where they seek the deletion of proposed amendments. BLNZ requests the Policy is retained as notified and I therefore provide no recommendation on this further submission.

Recommendations on Policy 3

122. I recommend that the submissions from KCDC [S16.032], PCC [S30.033], Te Tumu Paeroa [S102.081], HCC [S115.032], WCC [S150.034], MDC [S166.021], DGC [S32.010], WIAL [S148.030], Forest and Bird [S165.042], Taranaki Whānui [S167.069], Ātiawa [S131.055], Meridian [S100.013], BLNZ [S78.008] and further submissions from Peka Peka Farm Limited [FS25.066] and WIAL [FS17.012], are accepted in part and that Policy 3 is amended as follows (red highlight):

“Explanation

Section 6(a) of the Resource Management Act 1991 requires that the preservation of the natural character of the coastal environment and the protection of it from inappropriate use and development is recognised and provided for. However, it does not preclude appropriate use and development in the coastal environment.

Policy 3 implements Policy 13 of the New Zealand Coastal Policy Statement by requiring requires district and regional plans to protect areas considered to have ‘high’ natural character from inappropriate subdivision, use and development. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area’s high natural character.

The policy lists the matters to be considered when assessing natural character. Policy 3 (a) contains factors which contribute ‘natural’ attributes to an area, while the factors within clause (b) are about people’s influence in or upon the area, which can compromise, modify, or otherwise diminish the natural character of the area.

The Department of Conservation guidance note to Policy 13 of the New Zealand Coastal Policy Statement describes coastal natural character as including patterns and processes that are the products of nature, both living and non-living, but not those that are human-made. Natural character also includes the perception of these elements but does not specifically consider social and cultural values. Social and cultural values are considered within Policy 25 - identifying outstanding natural features and landscapes, of which natural character values are a component.

Natural Character does not necessarily mean pristine or completely unmodified character. It occurs on a continuum, from pristine to totally modified. Most of the coastal environment has some element of Natural Character and, conversely, some degree or element of modification.”

123. I recommend that further submissions from Rangitāne [FS2.64], Ngā Hapū o Ōtaki [FS29.325] and BLNZ [FS30.288; FS30.319] are rejected.
124. I provide no recommendation on the further submission by Ātiawa [FS20.316].
125. Accordingly, I recommend that submissions in relation to Policy 3 are accepted in part, rejected or are subject to no recommendation as detailed in Appendix 1.

Section 32AA evaluation for Policy 3

126. In accordance with section 32AA and section 30(1)(a) of the RMA, I consider that the recommended amendments to Policy 3 are the most appropriate for the following reasons:
- Policy 3 implements the direction provided in section 6(a) of the RMA and Policy 13 of the NZCPS.
 - The Policy sets out the matters to be considered in a natural character assessment. It is important that they are all assessed and the inclusion of ‘and/or’ in the policy made this confusing. Deleting ‘or’ and retaining ‘and’ provides better clarity in the interpretation and implementation of the policy for plan users.
 - The additions to the explanation provide further direction on how to interpret the policy and is an appropriate place to include in this information.

4.0 Conclusion

127. A range of submissions have been received in support, partial support, in opposition or neutral to the provisions relating to coastal natural character in Change 1. A summary of these submissions and my responses to accept, accept in part, reject or make no recommendation to these submissions can be found in Appendix 1.
128. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that Change 1 should be amended as set out in Appendix 2 of this report.
129. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in this report and the Section 32AA evaluations undertaken.

Recommendations

130. I recommend that:

1. The Hearing Panels accept, accept in part, or reject submissions and associated further submissions as outlined in Appendix 1 of this report.
2. Change 1 is amended in accordance with the changes recommended in Appendix 2 of this report.