

APPENDIX 1: Right of Reply Recommended Amendments to Proposed Provisions

Provision	Natural Character RPS Change 1 s42A recommended wording changes (11 March 2024) (in red)	Natural Character RPS Change 1 Rebuttal Evidence recommended wording changes (8 April 2024) (in blue)	Natural Character RPS Change 1 Right of Reply recommended wording changes (30 May 2024) (in green)
<p>Policy 3 [Regulatory]</p>	<p>Policy 3: Protecting high natural character in the coastal environment – district and regional plans</p> <p>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:</p> <p>(a) The extent to which natural elements, patterns and processes occur, including:</p> <ul style="list-style-type: none"> (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover; (ii) natural processes: the ecological, climatic and 	<p>Policy 3: Protecting high natural character in the coastal environment – district and regional plans</p> <p>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. In partnership with mana whenua/tangata whenua, Nnatural 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:</p> <p>(a) The extent to which natural elements, patterns and processes occur, including:</p> <ul style="list-style-type: none"> (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover; 	<p>Policy 3: Protecting high natural character in the coastal environment – district and regional plans</p> <p>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. In partnership with mana whenua/tangata whenua, Nnatural 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:</p> <p>(a) The extent to which natural elements, patterns and processes occur, including:</p> <ul style="list-style-type: none"> (i) natural elements: the products of natural processes – such as landforms, water forms, vegetation and land cover;

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	<p>geophysical processes that underlie the expression and character of the place, site or area;</p> <p>(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; andor</p> <p>(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.</p> <p>(b) The nature and extent of modifications to the place, site or area, including, but not limited to:</p> <p>(i) physical alterations by people to the landscape, its landforms, waterforms <u>water forms</u>, vegetation, land cover and to the natural patterns associated with these elements;</p> <p>(ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or isolated, and the degree of</p>	<p>(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;</p> <p>(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; andor</p> <p>(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.</p> <p>(b) The nature and extent of modifications to the place, site or area, including, but not limited to:</p> <p>(i) physical alterations by people to the landscape, its landforms, waterforms <u>water forms</u>, vegetation, land cover and to the natural patterns associated with these elements;</p> <p>(ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or</p>	<p>(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;</p> <p>(iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of natural processes; andor</p> <p>(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.</p> <p>(b) The nature and extent of modifications to the place, site or area, including, but not limited to:</p> <p>(i) physical alterations by people to the landscape, its landforms, waterforms <u>water forms</u>, vegetation, land cover and to the natural patterns associated with these elements;</p> <p>(ii) the presence, location, scale and density of buildings and structures, including infrastructure, whether appearing to be interconnected or</p>

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	<p>intrusiveness of these structures on the natural character of the place;</p> <p>(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</p> <p>(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.</p> <p>(e) Social values: the place, site or area has meaning for a particular community or communities, including:</p> <p>(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or</p> <p>(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its</p>	<p>isolated, and the degree of intrusiveness of these structures on the natural character of the place;</p> <p>(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</p> <p>(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.</p> <p>(e) Social values: the place, site or area has meaning for a particular community or communities, including:</p> <p>(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or</p> <p>(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its</p>	<p>isolated, and the degree of intrusiveness of these structures on the natural character of the place;</p> <p>(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</p> <p>(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.</p> <p>(e) Social values: the place, site or area has meaning for a particular community or communities, including:</p> <p>(i) sentimental: the natural character of a place, site or area has a strong or special association with a particular community; and/or</p> <p>(ii) recognition: the place, site or area is held in high public esteem for its natural character value, or its</p>

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	<p>contribution to the sense of identity of a particular community.</p> <p>Explanation</p> <p><u>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.</u></p> <p>Although it is a matter of national importance to preserve the natural character of the coastal environment, However, the Resource Management Act it does not preclude appropriate use and development in the coastal environment.</p> <p>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.</p> <p>Policy 3 implements Policy 13 of the New Zealand Coastal Policy Statement by requiring requires district and regional</p>	<p>contribution to the sense of identity of a particular community.</p> <p>Explanation</p> <p><u>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.</u></p> <p>Although it is a matter of national importance to preserve the natural character of the coastal environment, However, the Resource Management Act it does not preclude appropriate use and development in the coastal environment.</p> <p>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.</p> <p>Policy 3 implements Policy 13 of the New Zealand Coastal Policy Statement by requiring requires district and regional</p>	<p>contribution to the sense of identity of a particular community.</p> <p>Explanation</p> <p><u>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.</u></p> <p>Although it is a matter of national importance to preserve the natural character of the coastal environment, However, the Resource Management Act it does not preclude appropriate use and development in the coastal environment.</p> <p>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.</p> <p>Policy 3 <u>implements in part</u> Policy 13 of the New Zealand Coastal Policy Statement by requiring requires district and regional</p>

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	<p>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.</p> <p>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.</p> <p><u>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</u></p>	<p>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.</p> <p>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.</p> <p><u>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</u></p>	<p>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.</p> <p>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.</p> <p>Case law⁷ has established that ‘natural character’. <i>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.</i></p>

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	<p><u>values are considered within Policy 25 - identifying outstanding natural features and landscapes, of which natural character values are a component.</u></p> <p>Case law⁷ has established that ‘<i>natural character</i>’ <i>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.</i></p> <p>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):</p>	<p><u>values are considered within Policy 25 - identifying outstanding natural features and landscapes, of which natural character values are a component.</u></p> <p>Case law⁷ has established that ‘<i>natural character</i>’ <i>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.</i></p> <p>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):</p>	<p><u>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.</u></p> <p>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):</p>

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	<p>Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan.</p> <p>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):</p>	<p>Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan.</p> <p>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):</p>	<p>Policy 36 will need to be considered alongside policy 3 when changing, varying or reviewing a district or regional plan.</p> <p>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):</p> <p><u>In situations where coastal natural character is considered less than high, has not been assessed, mapped, identified or otherwise included in regional or district plans, Policy 36 is used to assess and manage the effects of activities for resources consents, notices of requirement or regional or district plan changes, variations or reviews to avoid, remedy or mitigate adverse effects of activities on natural character in the coastal environment.</u></p>

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			<p><u>Policies 3 and 36 address management of activities that may have effects on coastal natural character. Related to these two provisions is Policy 35 that gives effect to the preservation of natural character elements of Policy 13 of the New Zealand Coastal Policy Statement. Policy 35 is used when considering resources consents, notices of requirement or regional or district plan changes, variations or reviews.</u></p>