Appendix 2 – Section 42A recommended amendments

Provision	Natural Character Proposed RPS Change 1 version (19 August 2022)	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)
Policy 3 [Regulatory]	Policy 3: Protecting high natural character in the coastal environment – district and regional plans	Policy 3: Protecting high natural character in the coastal environment – district and regional plans	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:	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:	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, Natural 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:	(a) The extent to which natural elements, patterns and processes occur, including:	(a) The extent to which natural elements, patterns and processes occur, including:
	(i) natural elements: the products of natural processes – such as	(i) natural elements: the products of natural processes – such as	(i) natural elements: the products of natural processes – such as

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	landforms, water forms, vegetation and land cover;	landforms, water forms, vegetation and land cover;	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	(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;	(ii) natural processes: the ecological, climatic and geophysical processes that underlie the expression and character of the place, site or area;
	area; (iii) natural patterns: the visual expression or spatial distribution of natural elements which are, or which appear to be, a product of	(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 for	(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 for
	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.	(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.	(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:	(b) The nature and extent of modifications to the place, site or area, including, but not limited to:	(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, vegetation, land cover and to the	(i) physical alterations by people to the landscape, its landforms, waterforms water forms, vegetation, land cover and to the	(i) physical alterations by people to the landscape, its landforms, waterforms water forms, vegetation, land cover and to the

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	natural patterns associated with these elements;	natural patterns associated with these elements;	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.	(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.	(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.
			meaning for a particular community or communities, including:

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			blue)
	(c) Social values: the place, site or area has	(c) Social values: the place, site or area has	(i) sentimental: the natural
	meaning for a particular community or	meaning for a particular community or	character of a place, site or area has
	communities, including:	communities, including:	a strong or special association with
	(i) sentimental: the natural	(i) sentimental: the natural	a particular community; and/or
	character of a place, site or area	character of a place, site or area	(ii) recognition: the place, site or
	has a strong or special association	has a strong or special association	area is held in high public esteem
	with a particular community;	with a particular community;	for its natural character value, or its
	and/or	and/or	contribution to the sense of identity
	(ii) recognition: the place, site or	(ii) recognition: the place, site or	of a particular community.
	area is held in high public esteem	area is held in high public esteem	or a particular community.
	for its natural character value, or	for its natural character value, or	
	its contribution to the sense of	its contribution to the sense of	Explanation
	identity of a particular	identity of a particular community.	
	community.	activity of a particular community.	Section 6(a) of the Resource Management
			Act 1991 requires that the preservation of
		Explanation	the natural character of the coastal
	Explanation		environment and the protection of it from
		Section 6(a) of the Resource Management	inappropriate use and development is
	Although it is a matter of national	Act 1991 requires that the preservation of	recognised and provided for.
	importance to preserve the natural	the natural character of the coastal	Although it is a matter of national
	character of the coastal environment, the	environment and the protection of it from	importance to preserve the natural
	Resource Management Act does not	<u>inappropriate use and development is</u>	character of the coastal environment,
	preclude appropriate use and	recognised and provided for.	However, the Resource Management Act it
	development in the coastal environment.	Although it is a matter of national	does not preclude appropriate use and
		importance to preserve the natural	development in the coastal environment.
	The New Zealand Coastal Policy Statement	character of the coastal environment,	
	further establishes a requirement to	<u>However, the Resource Management Act it</u>	The New Zealand Coastal Policy Statement
	define what form of subdivision, use,	does not preclude appropriate use and	further establishes a requirement to define
	development or occupation would be	development in the coastal environment.	what form of subdivision, use, development

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			blue)
	appropriate in the coastal environment		or occupation would be appropriate in the
	and where it would be appropriate. Policy	The New Zealand Coastal Policy Statement	coastal environment and where it would be
	3 supports these requirements, along with	further establishes a requirement to define	appropriate. Policy 3 supports these
	policies 55 and 56, which promote a	what form of subdivision, use,	requirements, along with policies 55 and
	compact, well designed and sustainable	development or occupation would be	56, which promote a compact, well
	regional form.	appropriate in the coastal environment	designed and sustainable regional form.
		and where it would be appropriate. Policy	
	Case law ⁷ has established that 'natural	3 supports these requirements, along with	
	character' does not necessarily mean	policies 55 and 56, which promote a	
	pristine or completely unmodified	compact, well designed and sustainable	
	character. Natural character occurs on a	regional form.	Policy 3 implements Policy 13 of the New
	continuum, from pristine to totally		Zealand Coastal Policy Statement by
	modified. Most of the coastal		requiring requires district and regional
	environment has some element of natural		plans to protect areas considered to have
	character and, conversely, some degree or		'high' natural character from inappropriate
	element of modification.	Policy 3 implements Policy 13 of the New	subdivision, use and development. Councils
		Zealand Coastal Policy Statement by	must assess land in the coastal environment
	Policy 3 implements the New Zealand	requiring requires district and regional	to ascertain which areas have high natural
	Coastal Policy Statement by requiring	plans to protect areas considered to have	character, in order to protect these areas,
	requires district and regional plans to	'high' natural character from inappropriate	and to determine what would be
	protect areas considered to have 'high'	subdivision, use and development. Councils	inappropriate activities on this land,
	natural character from inappropriate	must assess land in the coastal	depending on the attributes associated with
	subdivision, use and development.	environment to ascertain which areas have	an area's high natural character.
	Councils must assess land in the coastal	high natural character, in order to protect	
	environment to ascertain which areas	these areas, and to determine what would	The policy lists the matters to be considered
	have high natural character, in order to	be inappropriate activities on this land,	when assessing natural character. Policy 3
	protect these areas, and to determine	depending on the attributes associated	(a) contains factors which contribute
	what would be inappropriate activities on	with an area's high natural character.	'natural' attributes to an area, while the
	this land, depending on the attributes		factors within clause (b) are about people's

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	associated with an area's high natural	The policy lists the matters to be	influence in or upon the area, which can
	character.	considered when assessing natural character. Policy 3 (a) contains factors	compromise, modify, or otherwise diminish the natural character of the area.
	The policy lists the matters to be	which contribute 'natural' attributes to an	
	considered when assessing natural character. Policy 3 (a) contains factors	area, while the factors within clause (b) are about people's influence in or upon the	The Department of Conservation guidance note to Policy 13 of the New Zealand
	which contribute 'natural' attributes to an	area, which can compromise, modify, or	Coastal Policy Statement describes coastal
	area, while the factors within clause (b)	otherwise diminish the natural character of	natural character as including patterns and
	are about people's influence in or upon	the area.	processes that are the products of nature,
	the area, which can compromise, modify,		both living and non-living, but not those
	or otherwise diminish the natural	The Department of Conservation guidance	that are human-made. Natural character
	character of the area.	note to Policy 13 of the New Zealand	also includes the perception of these
		Coastal Policy Statement describes coastal	elements but does not specifically consider
	When making a determination as to	natural character as including patterns and	social and cultural values. Social and
	whether the degree of natural character is	processes that are the products of nature,	cultural values are considered within Policy
	high in a particular location, an area of	both living and non-living, but not those	25 - identifying outstanding natural features
	high natural character is likely to be	that are human-made. Natural character	and landscapes, of which natural character
	dominated by natural elements rather	also includes the perception of these	values are a component.
	than by the influence of human activities,	elements but does not specifically consider	
	and/or the natural elements will be out of	social and cultural values. Social and	Case law ² has established that 'natural
	the ordinary or otherwise regarded as	cultural values are considered within Policy	character'_Natural Character does not
	important in terms of one or more of the	25 - identifying outstanding natural	necessarily mean pristine or completely
	factors outlined within policy 36(a) and	features and landscapes, of which natural	unmodified character. Natural character
	(c). Alternatively, an area of high natural	character values are a component.	occurs on a continuum, from pristine to
	character may be regarded as having		totally modified. Most of the coastal
	qualities which are relatively	Case law [₹] has established that 'natural	environment has some element of <i>natural</i>
	uncompromised by human activities and	character'_Natural Character does not	character and, conversely, some degree or
	influence, as specified within 36(b).	necessarily mean pristine or completely unmodified character. <i>Natural character</i>	element of modification.

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	Policy 36 will need to be considered	occurs on a continuum, from pristine to	When making a determination as to
	alongside policy 3 when changing, varying	totally modified. Most of the coastal	whether the degree of natural character is
	or reviewing a district or regional plan.	environment has some element of <i>natural</i>	high in a particular location, an area of high
		character and, conversely, some degree or	natural character is likely to be dominated
	Related policies within this Regional Policy	element of modification.	by natural elements rather than by the
	Statement direct regional and district		influence of human activities, and/or the
	plans to identify and protect historic	When making a determination as to	natural elements will be out of the ordinary
	heritage places, sites and areas (policies	whether the degree of natural character is	or otherwise regarded as important in
	21 and 22), ecosystems with significant	high in a particular location, an area of high	terms of one or more of the factors
	biodiversity value (policies 23 and 24),	natural character is likely to be dominated	outlined within policy 36(a) and (c).
	outstanding natural features and	by natural elements rather than by the	Alternatively, an area of high natural
	landscapes (policies 25 and 26), and	influence of human activities, and/or the	character may be regarded as having
	special amenity landscape values (policies	natural elements will be out of the	qualities which are relatively
	27 and 28) – using the criteria outlined in	ordinary or otherwise regarded as	uncompromised by human activities and
	each policy, and guidance that will be	important in terms of one or more of the	influence, as specified within 36(b).
	developed to assist with implementation	factors outlined within policy 36(a) and (c).	
	of the Regional Policy Statement (method	Alternatively, an area of high natural	Policy 36 will need to be considered
	7).	character may be regarded as having	alongside policy 3 when changing, varying
		qualities which are relatively	or reviewing a district or regional plan.
		uncompromised by human activities and	
		influence, as specified within 36(b).	Related policies within this Regional Policy
			Statement direct regional and district plans
		Policy 36 will need to be considered	to identify and protect historic heritage
		alongside policy 3 when changing, varying	places, sites and areas (policies 21 and 22),
		or reviewing a district or regional plan.	ecosystems with significant biodiversity
			value (policies 23 and 24), outstanding
		Related policies within this Regional Policy	natural features and landscapes (policies 25
		Statement direct regional and district plans	and 26), and special amenity landscape
		to identify and protect historic heritage	values (policies 27 and 28) – using the

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		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).	criteria outlined in each policy, and guidance that will be developed to assist with implementation of the Regional Policy Statement (method 7).