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

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	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	(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	(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
	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	natural processes; and for (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.	natural processes; and for (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.
	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	 (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, 	 (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,
	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	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	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

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		blue)	
	intrusiveness of these structures on	isolated, and the degree of	isolated, and the degree of
	the natural character of the place;	intrusiveness of these structures on	intrusiveness of these structures on
	(iii) the temporal character of the	the natural character of the place;	the natural character of the place;
	modification – such as, whether it is	(iii) the temporal character of the	(iii) the temporal character of the
	fleeting or temporary, transitory,	modification – such as, whether it is	modification – such as, whether it is
	transitional or a permanent	fleeting or temporary, transitory,	fleeting or temporary, transitory,
	alteration to the character of the	transitional or a permanent	transitional or a permanent
	place, site or area; and /or	alteration to the character of the	alteration to the character of the
		place, site or area; and /or	place, site or area; and /or
	(iv) any existing influences or pressures on the dynamic	(iv) any evicting influences or	(iv) any existing influences or
	ecological and geophysical	(iv) any existing influences or pressures on the dynamic	(iv) any existing influences or pressures on the dynamic
	processes contributing to the	ecological and geophysical	ecological and geophysical
	processes contributing to the	processes contributing to the	processes contributing to the
	elements, such that these may	processes contributing to the presence and patterns of natural	processes contributing to the presence and patterns of natural
	change and the natural elements	elements, such that these may	elements, such that these may
	and/or patterns may become	change and the natural elements	change and the natural elements
	threatened over time.	and/or patterns may become	and/or patterns may become
	tilleateried over tille.	threatened over time.	threatened over time.
		tineatened over time.	
	(c) Social values: the place, site or area has		(c) Social values: the place, site or area has
	meaning for a particular community or	(c) Social values: the place, site or area has	meaning for a particular community or
	communities, including:	meaning for a particular community or	communities, including:
	(i) sentimental: the natural	communities, including:	(i) sentimental: the natural
	character of a place, site or area	(i) sentimental: the natural	character of a place, site or area
	has a strong or special association	character of a place, site or area	has a strong or special association
	with a particular community; and/or	has a strong or special association	with a particular community; and/or
	(ii) recognition: the place, site or	with a particular community; and/or	(ii) recognition: the place, site or
	area is held in high public esteem	(ii) recognition: the place, site or	area is held in high public esteem
	for its natural character value, or its	area is held in high public esteem	for its natural character value, or its
		for its natural character value, or its	

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9 9 1	Rebuttal Evidence recommended	of Reply recommended wording	
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		blue)	
	contribution to the sense of identity of a particular community.	contribution to the sense of identity of a particular community.	contribution to the sense of identity of a particular community.
	Explanation	Explanation	Explanation
	Section 6(a) of the Resource Management	Section 6(a) of the Resource Management	Section 6(a) of the Resource Management
	Act 1991 requires that the preservation of	Act 1991 requires that the preservation of	Act 1991 requires that the preservation of
	the natural character of the coastal	the natural character of the coastal	the natural character of the coastal
	environment and the protection of it from	environment and the protection of it from	environment and the protection of it from
	inappropriate use and development is	inappropriate use and development is	inappropriate use and development is
	recognised and provided for.	recognised and provided for.	recognised and provided for.
	Although it is a matter of national	Although it is a matter of national	Although it is a matter of national
	importance to preserve the natural	importance to preserve the natural	importance to preserve the natural
	character of the coastal environment,	character of the coastal environment,	character of the coastal environment,
	However, the Resource Management Act it	However, the Resource Management Act it	However, the Resource Management Act it
	does not preclude appropriate use and	does not preclude appropriate use and	does not preclude appropriate use and
	development in the coastal environment.	development in the coastal environment.	development in the coastal environment.
	The New Zealand Coastal Policy Statement	The New Zealand Coastal Policy Statement	The New Zealand Coastal Policy Statement
	further establishes a requirement to define	further establishes a requirement to define	further establishes a requirement to define
	what form of subdivision, use, development	what form of subdivision, use, development	what form of subdivision, use, developmen
	or occupation would be appropriate in the	or occupation would be appropriate in the	or occupation would be appropriate in the
	coastal environment and where it would be	coastal environment and where it would be	coastal environment and where it would be
	appropriate. Policy 3 supports these	appropriate. Policy 3 supports these	appropriate. Policy 3 supports these
	requirements, along with policies 55 and	requirements, along with policies 55 and	requirements, along with policies 55 and
	56, which promote a compact, well	56, which promote a compact, well	56, which promote a compact, well
	designed and sustainable regional form.	designed and sustainable regional form.	designed and sustainable regional form.
	Policy 3 implements Policy 13 of the New	Policy 3 implements Policy 13 of the New	Policy 3 implements in part Policy 13 of the
	Zealand Coastal Policy Statement by	Zealand Coastal Policy Statement by	New Zealand Coastal Policy Statement by
	requiring requires district and regional	requiring requires district and regional	requiring requires district and regional

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	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.	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.	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 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 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	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	Case law ⁷ has established that 'natural character' 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.

and cultural values. Social and cultural

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

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		blue)	
	Policy 36 will need to be considered	Policy 36 will need to be considered	Policy 36 will need to be considered
	alongside policy 3 when changing, varying	alongside policy 3 when changing, varying	alongside policy 3 when changing, varying
	or reviewing a district or regional plan.	or reviewing a district or regional plan.	or reviewing a district or regional plan.
	Related policies within this Regional Policy	Related policies within this Regional Policy	Related policies within this Regional Policy
	Statement direct regional and district plans	Statement direct regional and district plans	Statement direct regional and district plans
	to identify and protect historic heritage	to identify and protect historic heritage	to identify and protect historic heritage
	places, sites and areas (policies 21 and 22),	places, sites and areas (policies 21 and 22),	places, sites and areas (policies 21 and 22),
	ecosystems with significant biodiversity	ecosystems with significant biodiversity	ecosystems with significant biodiversity
	value (policies 23 and 24), outstanding	value (policies 23 and 24), outstanding	value (policies 23 and 24), outstanding
	natural features and landscapes (policies	natural features and landscapes (policies	natural features and landscapes (policies
	25 and 26), and special amenity landscape	25 and 26), and special amenity landscape	25 and 26), and special amenity landscape
	values (policies 27 and 28) – using the	values (policies 27 and 28) – using the	values (policies 27 and 28) – using the
	criteria outlined in each policy, and	criteria outlined in each policy, and	criteria outlined in each policy, and
	guidance that will be developed to assist	guidance that will be developed to assist	guidance that will be developed to assist
	with implementation of the Regional Policy	with implementation of the Regional Policy	with implementation of the Regional Policy
	Statement (method 7).	Statement (method 7).	Statement (method 7).
			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.

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			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.