

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND of the proposed Te Tai o Poutini Plan

**Evidence of Amy Louise Young on behalf of
the Director-General of Conservation / *Tumuaki Ahurei*
Hearing Topic 3: General District Wide Matters
Submitter ID: S602, Further Submitter ID: FS602
dated 16 October 2023**

Department of Conservation / *Te Papa Atawhai*
RMA Shared Services
Operations Group
Private Bag 4715
Christchurch 8140
Senior Solicitor Rōia Matua: Matt Pemberton
Email Īmera: mpemberton@doc.govt.nz

Introduction

1. My full name is Amy Louise Young.
2. I have been asked by the Director-General of Conservation / *Tumuaki Ahurei* ('the D-G') to provide planning evidence on the proposed Te Tai o Poutini Plan (pTTPP)
3. This evidence relates to Hearing Topic 3: General District Matters.

Qualifications and experience

4. I am employed by the Department of Conservation (DOC) as a Resource Management Act (RMA) Planner. I have worked for DOC for three years. Prior to that I was employed by the Dunedin City Council as a Resource Consent Planner for 12 years. Prior to taking up a planning role, I was Landscape Architect in Auckland for SOUL Environments for two years and LA4 Landscape Architects for two years. I have experience in resource consent processing, planning advice, and landscape assessment and design.
5. I have previously given expert planning evidence for the D-G on the Proposed Selwyn District Plan: Ecosystems and Indigenous Biodiversity Chapter, the Waste Management New Zealand proposed plan change and consent application for the Auckland Regional Landfill, and for the Minister of Conservation on Proposed Plan Change 5 Southland Regional Coastal Plan: Surface Water Activities on the internal waters of Fiordland from Yates Point to Puyseger Point.
6. I have a Bachelor of Landscape Architecture qualification from Unitec Institute of Technology (2005).

Code of Conduct

7. I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court Practice Note 2023. I have complied with the Practice Note when preparing my written statement of evidence and will do so when I give oral evidence before the hearing.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

9. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

10. This evidence covers General District Wide Matters.

Material Considered

11. I have read the parts of the following documents that are relevant to this hearing:
- a) Proposed Te Tai o Poutini Plan 2022;
 - b) The s32 Evaluation Reports:
 - Te Tai o Poutini Plan – Section 32 Evaluation Report 7 – Noise Light Signs Earthworks and Temporary Activities;
 - c) The D-G's submission dated 11 November 2022 and further submission dated 13 July 2023
 - d) Other submissions where they are referred to in my evidence;
 - e) The Te Tai o Poutini Plan Section 42A Officer's Report General District Wide Matters:
 - Light – Ngā Rama
 - Earthworks - Te Huke Whenua
 - Temporary Activities – Ngā Mahi Taupua

HEARING TOPIC 3 – GENERAL DISTRICT WIDE MATTERS

12. The D-Gs submission made sought a number of amendments within the General District Wide Matters topic. Some of these amendments have been accepted in the Officer's report, and in those cases I agree with the Officer's recommendation and I will not comment further on those points unless there is a matter of clarification required. I provide comments on submissions not accepted by the Officer's recommendation below.

Earthworks

13. The D-Gs interest in the earthworks provisions of the pTTPP is related to minimisation of adverse effects of these activities on ecological and heritage values. While the Department of Conservation often undertakes earthworks related to management of conservation land and recreation and historic assets, this is typically undertaken subject to the exemption from land use consent requirements provided by section 4 of the RMA, and this submission is not made in the interest of providing for those activities of the Department.

Earthworks Objective EW – O1

14. The D-Gs submission on EW – O1 sought to remove the word ‘surrounding’ from the objective as notified. This amendment is required to ensure the objective is not only focussed on managing adverse effects on the environment surrounding earthworks, but also direct effects on the environment at the works site.
15. The Officer’s report rejects this submission on the basis of that proposed change alters the intent of the objective.
16. In my opinion the changed wording is warranted, given that many of the policies that follow on from this objective seek to manage effects on the environment on the site of earthworks, and not only the ‘surrounding’ environment. In particular, the management of effects on archaeological and heritage sites and requiring the use of accidental discovery protocols and protecting infrastructure and natural hazard defences.
17. A further amendment to this objective was sought providing for adverse effects to be remedied as well as avoidance or mitigation. The Officer’s report accepts this change and I support that recommendation for the reasons given in the Officer’s Report.

Lighting

18. The D-Gs interest in the lighting provisions of the TTPP relate to the potential adverse effects of artificial outdoor lighting on habitats and species which are sensitive to such effects.

Policy LIGHT – P3

19. The D-Gs submission sought that clause c. in Policy Light 3 be amended so that lighting effects minimization applies to indigenous vegetation and habitats of indigenous fauna and the species generally. The Officer’s report rejects this

amendment on the basis of it being onerous and reaching beyond the requirement of section 6(c) of the RMA which requires protection of significant habitats for indigenous fauna.

20. In my opinion the change is not necessary and I am comfortable with the wording of the clause as recommended in the Officer's report. The policy covers adverse effects on light sensitive native fauna species, and their significant habitats, and this wording should have similar effect to that sought in the D-Gs submission.

Rules LIGHT - R1

21. The D-Gs submission on rule LIGHT – R1 sought the inclusion of additional permitted activity standard requiring the artificial lighting to be directed away from “*any adjoining and adjacent overlay areas*”. This submission point was opposed in a further submission by Silver Fern Farms Limited, as other standards in the rule such as the requirement to direct lighting away from property boundaries. I agree with that further submission.
22. The Officer's recommendation makes significant changes to the general permitted activity rule deleting the existing standards. This is based on the submissions by a number of parties that were concerned the standards require the discretion of the Council to determine compliance.
23. I have considered the changes to the standards of this rule, and in my opinion, they are appropriate, and in conjunction with the light spill limits for the different zones in permitted activity rules LIGHT - R2 to LIGHT – R4, lighting effects over the boundary will be appropriately managed.
24. I note that the D-Gs submission seeking a minor wording addition to Rule LIGHT – R4 has not been accepted in the Officers report. I agree with the Officer in this case and in my opinion the minor additional wording does not provide any additional clarity to the application of this Rule.

Conclusion

25. The D-Gs submission contained limited points related to the provisions covered by this topic. A number of points made have been accepted by the Officers report and I agree with the reasons for the submissions and for these being accepted.
26. The few points that have not been accepted by the Officers report have been discussed above and I largely agree with the approach recommended by the Officer.

27. The only point of contention the Panel will need to consider further is in relation to the coverage of earthworks Objective EW – 01.

A handwritten signature in black ink, appearing to read 'AY', with a stylized flourish extending from the bottom right.

Amy Young

RMA Planner

DATED this 16th day of October 2023