

Te Tai o Poutini Plan  
Section 42A Officer's Report  
Natural Features and Landscapes  
- Ngā Āhua me ngā Horanuku Aotūroa



**Te Tai o Poutini**  
PLAN

*A combined district plan for the West Coast*

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## List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S542	A & S Marshal	
FS190	Aidan Corkill	
FS193	Aimee Milne	
FS169	Allwyn Gourley	
S575	Amanda Jenkins	
FS181	Andrew Bruning	
S425	Anne Chapman	
FS196	Arthur Neighbours	
FS164	Barbara Bjerring	
S491 FS89	Bathurst Resources Limited and BT Mining Limited	Bathurst Resources
FS170	Bevan Langford	
S601 FS232	Birchfield Coal Mines Ltd	Birchfield Coal
S604 FS150	Birchfield Ross Mining Limited	Birchfield Ross
FS198	Brendon Draper	
S576	Brian Anderson	
FS165	Brian Patrick Jones	
FS166	Bryan Rhodes	
S552 FS224	Buller Conservation Group	
S538 FS149	Buller District Council	BDC
FS138	Buller Electricity Limited	Buller Electricity
S564 FS155	Catherine Smart-Simpson	
FS176	Charlotte Aitken	
FS228	Cheryl Gallagher	
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	Chorus et al
S24	Chris Boxall	
S558	Chris & Jan Coll	
S566	Chris J Coll Surveying Limited	



FS151		
FS238	Chris Lowe	
S506	Claire & John West	
FS192	Danielle O'Toole	
FS189	Dave Webster	
S581	David Ellerm	
S347	David Marshall	
S65	David Moore	
S465 FS154	Davis Ogilvie & Partners Ltd	Davis Ogilvie
S570	Dean Van Mierlo	
S602 FS122	Department of Conservation	
FS180	Desirae Bradshaw	
FS188	Ed Tinomana	
FS 131	Eric Wayne Pratt	
S524 FS103	Federated Farmers of New Zealand	Federated Farmers
S342	Fernando Tarango	
S561	Fiona McDonald	
FS167	Frank Bjerring	
FS160	Frans Volckman	
S553 FS223	Frida Inta	
FS175	Gareth Guglebreten	
FS209	Gary Donaldson	
S415	G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited	GE Coates
S563 FS157	Geoff Volckman	
FS177	Glen Kingan	
S608 FS1	Grey District Council	
S534	Hadley Mills	
FS178	Hayden Crossman	
S486 FS55	Horticulture New Zealand	
FS184	J & M Syron Farms	

FS172	Jack Simpson	
FS207	Jackie O'Connor	
FS202	James Dunlop Stevenson	
FS168	Jane Garrett	
S467	Jane Whyte & Jeff Page	
FS227	Jessie Gallagher	
FS226	Jo-Anne Milne	
FS204	Joel Hands	
S565	Joel and Jennifer Watkins	
S290 FS44	John Caygill	
S360	John Brazil	
FS225.	John Milne	
S572	Jon Barltrop	
FS210	Joy Donaldson	
FS125	Karamea Community Incorporated	Karamea Community
S614	Karamea Lime Company	
S439	Karen Lippiatt	
FS 158	Kathleen Beveridge	
S101	Katherine Crick	
S473	Katherine Gilbert	
FS183	Kelvin Jeff Neighbours	
S442	KiwiRail Holdings Limited	KiwiRail
S577	Koiterangi Lime Co LTD	
S509	Kyle Avery	
FS163	Kylie Volckman	
S337	Lanah Hake Tarango	
S574	Laura Coll McLaughlin	
S533	Lauren Nyhan Anthony Phillips	
S381	Laurence Rueter	
S481	Lynley Hargreaves	
S438	Manawa Energy Limited	Manawa Energy
FS229	Margaret Jane Milne	
FS186	Marnie Stevenson	
FS182	Marty Syron	
FS162	Maryann Volckman	

FS197	Mat Knudsen	
FS199	Matthew Thomas	
FS159	Maurice Beveridge	
FS208	Maurice Douglas	
FS134	MBD Contracting Limited	
FS144	Melissa McLuskie	
S583	Michael Orchard	
FS194	Michael O'Regan	
FS185	Michelle Joy Stevenson	
S569	Minerals West Coast	
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	Ministry of Education
S448	Mitchells 2021 Limited	
FS203	Murray Aitken	
S217	Murray Stewart	
FS156	Nathan Simpson	
FS195	Neal Gallagher	
S535	Neil Mouat	
S472	New Zealand Coal & Carbon Limited	NZ Coal & Carbon
S519	New Zealand Defence Force	NZDF
FS124	Oparara Valley Project Trust	
S500	Papahaua Resources Limited	
FS121	Paparoa View Farm	
FS206	Patrick John Hands	
S556	Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers	
S144 FS74, FS75, FS81	Paul Elwell-Sutton	
FS205	Peter Hands	
S615	Peter Langford	
FS200	Philip O'Connor	
FS174	Rachel Shearer	
S305	Raylene Black	
FS61	Robert Graham	
FS173	Roger Gibson	
S560 FS34	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird

FS123	Rosalie Sampson	
S477	Russell and Joanne Smith	
S515	Russell Robinson	
FS211	Selwyn Lowe	
S617	Scoped Planning and Design Limited	
FS191	Shanae Douglas	
FS171	Shaun Rhodes	
FS212	Sheryl Marie Rhind	
S390	Shirley Godfrey	
S250	Skyline Enterprises Limited	
FS187	Sophie Fox	
S516	Steve Croasdale	
S559	Stewart & Catherine Nimmo	
FS213	Stewart James Rhind	
S536	Straterra	
S433	Stuart Marshall and Susan Gooch	
S218 FS49	Susan Hall and Kevin Dunn	
S179	Susan Waide	
S443 FS72	Suzanne Hills	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
S620 FS41	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	Ngāi Tahu
S171	Te Tai o Poutini Plan Committee	TTPP Committee
S440	Te Tumu Paeroa - The office of the Māori Trustee	Te Tumu Paeroa
S312	Teresa Wyndham-Smith	
S537 FS108	Terra Firma Mining Limited	Terra Firma
S493 FS104	TiGa Minerals and Metals Limited	TiGa
S579	Tim and Phaedra Robins	
S449	Totally Tourism Limited	
FS201	Tracy Moss	
S299 FS110	Transpower New Zealand Limited	Transpower
S447	Vance & Carol Boyd	

S450 FS62	Waka Kotahi NZ Transport Agency	Waka Kotahi
S488	West Coast Regional Council	WCRC
S181	Westland District Council	WDC
S547 FS222	Westpower Limited	Westpower
S567 FS148	William McLaughlin	
S599 FS231	WMS Group (HQ) Limited and WMS Land Co. Limited	WMS Group

## Abbreviations

Abbreviation	Meaning
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSFM	National Policy Statement for Freshwater Management
NESF	National Environmental Standard for Freshwater
NESCF	National Environmental Standard for Commercial Forestry
NFL	Natural Features and Landscapes
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
Planning standards	National Planning Standards
RMA	Resource Management Act
SNA	Significant Natural Area
TTPP	Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRCP	West Coast Regional Coastal Plan
WCRLWP	West Coast Regional Land and Water Plan
WCRPS	West Coast Regional Policy Statement

### 1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:

- assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (TTPP); and
  - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on the Natural Features and Landscapes Topic.
  3. The report provides the Hearing Panel with a summary and analysis of the submissions received on the Natural Features and Landscapes Chapter in Part 2, Schedules 5 and 6 in Part 4 and the planning maps locating these landscapes and features, and to make recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.
  4. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the following reports:
    - Introduction and General Provisions report that addresses the higher order statutory planning and legal context s42A report prepared by myself
    - Strategic Directions report that addresses the wider strategic direction of the Plan s42A report prepared by myself
    - General District Wide Matters s42A report prepared by Briar Belgrave
    - Energy, Infrastructure and Transport s42A report prepared by Grace Forno and Melissa McGrath
    - Contaminated Land and Hazardous Substances s42A report prepared by myself
    - Notable Trees s42A report prepared by myself
    - Natural Character and the Margins of Waterbodies and Activities on the Beds of Rivers and Lakes s42A report prepared by myself
  5. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2.0 Qualifications and experience.

6. My full name is Lois Margaret Easton, and I am Principal Consultant for Kereru Consultants, an environmental science and planning consultancy engaged by the West Coast Regional Council to support the development of Te Tai o Poutini Plan (TTPP).
7. I hold a Master of Science (Environmental Science and Botany) with first class honors from Auckland University, Auckland which I obtained in 1995.
8. I have 25 years' experience in planning and resource management including 10 years at the Waitakere City Council and five years at the Gisborne District Council. The remaining time I have worked as an environmental and planning consultant primarily providing policy advice to local government and not for profit organisations.
9. My experience involves policy development, writing district plans and regional plans. I have written Section 32 and 42A reports and appeared at hearings for the development of several plans involving matters principally around the natural environment, Māori issues and rezoning of land. I have represented the Waitakere District Council and Gisborne District Council in mediation on appeals and have presented planning evidence to the Environment Court.
10. In recent years I have been involved in the development of TTPP. I have either led or been a member of the planning team who developed the provisions of TTPP and s32 reports in relation to all parts of the plan. In relation to the Natural Features and Landscape topic I was the team lead.

### 2.1 Code of Conduct

11. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
12. I am authorized to give this evidence on behalf of the Tai o Poutini Plan Committee to the TTPP hearings commissioners (Hearings Panel).

### 2.2 Conflict of Interest

13. To the best of my knowledge, I have no real or perceived conflict of interest.

### 2.3 Expert Advice

14. In preparing this report I rely on expert advice from Stephen Brown of Brown Limited Landscape Architects and Bridget Gilbert of Bridget Gilbert Landscape Architecture. The scope of this advice is the full review of the boundaries of the Outstanding Natural Landscapes (ONLs) undertaken by Stephen Brown and the review of the specific locations where submitters sought changes to the boundaries of ONLs undertaken by Bridget Gilbert. Due to timing issues with completion of this s42A report, the advice from Bridget Gilbert will be circulated separately from this report as technical evidence.
15. At the time of writing this report I have only received preliminary advice from Bridget Gilbert, as she is undertaking site assessments at the time of writing. I discuss this further in Section 11 of this report, but the preliminary advice indicates that her report may have recommended amendments to the boundaries of some ONLs. As soon as Ms Gilbert's report is available this will be provided on the website and to submitters. A supplementary planning report to this s42A report may also be provided, depending on Ms Gilbert's recommendations.

## 3.0 Scope of Report and Topic Overview

### 3.1 Scope of Report

16. This report considers the submissions and further submissions that were received in relation to Natural Features and Landscapes Chapters in Part 2, Schedules 5 and 6 in Part 4 and the planning maps in relation to the location of these scheduled areas.
17. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in Appendix 1 of this Report. Footnoted references to a submitter number,

submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.

18. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the TTPP using cl.16(2) and these are documented on the TTPP website. Where a submitter has requested the same or similar changes to the TTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report.
19. The assessment of submissions generally follows the following format:
  - Submission Information
  - Analysis
  - Recommendation and Amendments

### **3.2 Topic Overview**

20. The Natural Features and Landscapes chapter contains the provisions around management of activities within identified Outstanding Natural Features and Outstanding Natural Landscapes in recognition that the Resource Management Act (RMA) identifies the protection of areas of outstanding natural features and landscapes as a matter of national importance.
21. The proposed Natural Features and Landscapes (NFL) Chapter seeks to manage effects of activities on the identified outstanding natural features and landscapes (ONFL). It includes:
  - One Objective that focuses on protecting the values of outstanding natural features and landscapes while providing for appropriate subdivision and development.
  - Seven Policies that provide support for protection of the values of outstanding natural features and landscapes while providing for activities that do not degrade these values to locate within and operate in these landscapes and natural features. These policies recognise that the majority of the public conservation land, as well as very substantial areas of private land are located within outstanding natural landscapes. They also provide for a tino rangatiranga approach by Poutini Ngāi Tahu in managing landscapes and natural features on their own lands.
  - Rules that manage activities that could impact on the values of outstanding natural features and landscapes and put in place a consent regime to consider the appropriateness of activities.
  - Permitted Activities for small scale, low risk or necessary activities recognising that the West Coast has a very large extent of outstanding natural landscapes with a range of existing communities and primary production activities occurring within these.
  - Schedules 5 and 6 which identify and describe the Outstanding Natural Features and Outstanding Natural Landscapes of the West Coast.
  - Planning maps showing the extent of scheduled Outstanding Natural Features and Outstanding Natural Landscapes.
22. It should be noted that while the NFL Chapter contains objectives, policies and rules for ONFL, where the ONFL is located in the coastal environment the objectives, policies and rules of the Coastal Environment Chapter apply. Submissions on that chapter of the Plan are not addressed in this s42A report and will be dealt with at a later hearing.

### **3.3 Strategic Direction**

23. The strategic importance of the landscape values to the West Coast is recognised in the proposed TTPP strategic direction for the Natural Environment. Specifically, the role that native vegetation and landscapes plays in the character and identity of the West Coast and Poutini Ngāi Tahu's cultural and spiritual values is identified. The strategic direction also recognises the need to provide for the ability of Poutini Ngāi Tahu to exercise kaitiakitanga and tino rangatiratanga. It also acknowledges the need for infrastructure in some circumstances to be located in significant areas.



## 4.0 Statutory Requirements.

24. TTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards; and any regulations<sup>1</sup>. Regard is also to be given to the West Coast Regional Policy Statement (WCRPS), any regional plan, district plans of adjacent territorial authorities, and the Iwi Management Plans.
25. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
26. The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
  - Natural Environment Values – Coastal Environment – Activities on the Surface of Waterbodies

### 4.1 Resource Management Act

27. TTPP must be prepared in accordance with the functions of a district council under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations. Regard is also to be given to the WCRPS, any regional plan, district plans of adjacent territorial authorities, and any IMP.
28. In the case of the Natural Features and Landscapes Topic, the Resource Management Act provides significant direction.
29. Section 6 of the RMA identifies several relevant Matters of National Importance that TTPP must recognise and provide for that provide specific direction to this topic:
  - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*
  - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
  - (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
30. Alongside this the Section 7 "other matters" (a) – (j) that particular regard must be had to are also relevant.
31. Section 31(1)(b)(iii) RMA sets out that, in giving effect to the Act, a function of territorial authorities is to control any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biological diversity.

### 4.2 New Zealand Coastal Policy Statement

32. The New Zealand Coastal Policy Statement (NZCPS) includes the expectation that natural features and landscapes will be protected where such values occur within the coastal environment.
33. In relation to Natural Features and Landscape (NFL), Policy 15 of the NZCPS applies. The policy seeks to identify and protect NFL within the coastal environment including through the avoidance of adverse effects of activities on outstanding NFL and avoidance of significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes.

### 4.3 National Policy Statement for Indigenous Biodiversity 2023

34. The National Policy Statement for Indigenous Biodiversity was gazetted on 7 July 2023 and came into force on 4 August 2023. Although TTPP was prepared before the NPSIB was gazetted it is now required to give effect to this NPS.

35. Consistent with the core function of regional councils and territorial authorities under sections 30(1)(ga) and 30(1)(b)(iii) of the RMA to maintain indigenous biodiversity, the objective of the NPSIB is to protect, maintain and restore indigenous biodiversity in a way that:
- a. recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
  - b. provides for the social, economic and cultural wellbeing of people and communities, now and into the future
36. The NPSIB contains provisions which require:
- the consistent and comprehensive identification of Significant Natural Areas (SNAs)
  - landowners to be recognised as stewards, and tangata whenua as kaitiaki, of indigenous biodiversity
  - a nationally clear and consistent approach for managing and protecting indigenous biodiversity, which provides certainty and supports landowners' efforts to protect indigenous biodiversity
  - a management approach for protecting SNAs focused on managing the adverse effects of new subdivision, use and development
  - existing uses to be provided for, where appropriate
  - a consenting pathway for specific new uses where effects on indigenous biodiversity can be managed
37. The NPSIB does not apply to the development, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.

#### **4.4 National Policy Statement – Renewable Electricity Generation and National Policy Statement Electricity Transmission**

38. The National Policy Statement on Renewable Electricity Generation sets out the objectives and policies for managing renewable electricity generation, and the National Policy Statement on Electricity Transmission 2008 sets out the objectives and policies for managing electricity transmission. Both documents must be given effect to through district and regional planning documents. TTPP gives effect to these documents primarily through the Energy, Infrastructure and Transport Chapter however there is cross referencing throughout the plan to other chapters as required, including Natural Features and Landscapes.

#### **4.5 National Environmental Standard for Commercial Forestry**

39. The National Environmental Standard for Commercial Forestry (previously plantation forestry) came into force from 1 May 2018 and puts in place standards for forestry activities. This has implications for SNAs as it specifies that the activity status for new plantation forestry within a SNA shall be a restricted discretionary activity.
40. This also has implications for landscape areas as it sets out the activity status for forestry in ONFL (restricted discretionary).
41. It does however enable a district plan to apply more stringent rules to protect ONFLs and their recognised values where the district considers this to be appropriate and necessary. This NPS does not however provide provision for areas of significant values that have not been identified as an ONFL.

#### **4.6 National Planning Standards**

42. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019.
43. The planning standards require that if a district plan addresses the identification of features and landscapes that are outstanding, significant or otherwise valued, the objectives, policies and rules must be contained in a chapter called Natural Features and Landscapes.

#### **4.7 Procedural Matters**

44. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

## 5.0 Consideration of Submissions Received

### 5.1 Overview of Submissions Received

45. A total of 532 submissions points and 491 further submissions points were received on the Natural Features and Landscapes topic.
46. Within this 85 submissions points and 20 further submissions points were received on Schedules 5 and 6 and 44 submissions points and 219 further submissions points were received on the mapping of ONLS.
47. Common themes in respect of the submissions in opposition were:
- A desire from some submitters for the provisions to provide for more permitted activities with less stringency of standards
  - A desire from some submitters for fewer permitted and controlled activities and overall a much more protective framework
  - A desire from some submitters for new residential buildings to be permitted activities
  - A range of views on natural hazard mitigation structures with some submitters wanting more and others wanting less stringency
  - A range of views on infrastructure earthworks and structures with some submitters wanting more and others wanting less stringency
  - Some submitters seeking specific and less onerous rules for mineral prospecting, exploration and extraction.
  - Support and opposition to Schedules 5 and 6
  - Specific submissions on the extent of some ONLs in Schedule 5

### 5.2 Structure of this Report

48. The structure of this report is that firstly general submissions on the whole chapter, where a submission has raised an issue that does not relate to a proposed objective, policy or rule, or overarching submissions and those on the overview statements are dealt with first. Secondly the submissions on Objectives and Policies are addressed. Then the submissions on key rule topics are addressed. Then remaining submissions are addressed in rule order as listed in TTPP. Finally, the submissions on the schedules and mapping of these are addressed.

## 6.0 Submissions on Natural Features and Landscapes Chapter as a Whole and the Overview

### 6.1 Submissions on the Chapter as a Whole

#### *Submissions*

<b>Submitter Name /ID</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
Joel and Jennifer Watkins (S565)	S565.035	Support	Retain
Westland District Council (S181)	S181.016	Support	Retain the objectives, policies and rules
<i>Robert Graham</i>	<i>FS61.001</i>	<i>Oppose</i>	<i>Disallow</i>
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.032	Support	The Māori Trustee is generally comfortable with the rules in the 'Natural features and landscapes' chapter.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.228	Support	Retain approach of dealing with vegetation clearance in ECO chapter.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.232	Support	Retain references in the rules that any vegetation clearance associated with the various activities is subject to the provisions in the ECO chapter.
Department of Conservation (S602)	S602.098	Neutral	NA
Grey District Council (S608)	S608.059	Oppose in part	Remove all references to "Site or Area of Significance to Māori" in the Chapter
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.015</i>	<i>Oppose</i>	<i>Disallow</i>
Skyline Enterprises Limited (S250)	S250.004	Oppose	That the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.229	Support	Retain method of referring to other chapters clearly.
Transpower New Zealand Limited (S299)	S299.079	Support in part	Clarify the relationship between activities within the Energy Chapter and those within the Natural Features and Landscapes Chapter.
<i>Royal Forest &amp; Bird Protection Society of NZ Inc. (Forest &amp; Bird)</i>	<i>FS34.043</i>	<i>Oppose in part</i>	<i>Allow in part</i>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.184</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.276	Amend	Ensure provisions adequately recognise the importance of these activities and infrastructure to the community and the

			environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities.
Buller District Council (S538)	S538.00640	Support	With the exception of Rule 8 discussed below, Council generally supports the rule framework provided the requested amendments to the Ecosystems and Biodiversity Chapter are made to ensure that critical infrastructure, lawfully established activities, hazard mitigation activities etc are provided for. It is expected that there will be a close correlation between ONFLs and SNAs (once identified) therefore the rule framework should provide a consistent approach across the overlays.
<b>Submissions on the Extent of the Overlay/ Methodology for Assessment</b>			
Hadley Mills (S534)	S534.001	Oppose	Remove the ONL overlay
<i>MBD Contracting Limited</i>	<i>FS134.009</i>	<i>Support</i>	<i>Allow</i>
Hadley Mills (S534)	S534.002	Oppose	Remove the policy framework for ONLs and add a new policy outlining how the Conservation Act already provides for RMA S6(b) protection OR Remove the ONL overlay (keeping the relative policy framework) and insert a new policy that simply states - ONLs will be assessed, identified and mapped, strictly within the context of the West Coast, using a robust (including appropriate site by site ground truthing) methodology. This assessment, identification and mapping will occur within 5 years of when this plan comes into effect or when the West Coast Regional Council, who must fund the TTPP, has the appropriate resources to do so.
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.033</i>	<i>Support</i>	<i>Allow</i>
<i>MBD Contracting Limited</i>	<i>FS134.0010</i>	<i>Support</i>	<i>Allow</i>
<i>Ruth Henschel</i>	<i>FS119.7</i>	<i>Support</i>	<i>Allow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited</i>	<i>FS231.034</i>	<i>Support</i>	<i>Allow</i>
<i>Birchfield Coal Mines Ltd</i>	<i>FS232.041</i>	<i>Support</i>	<i>Allow</i>
Grey District Council (S608)	S608.841	Oppose	Remove the ONL Overlays, review/reassess, check for accuracy and apply to the properties that they relate to only.

<i>Vance &amp; Carol Boyd</i>	<i>FS117.10</i>	<i>Support</i>	<i>Allow</i>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.737</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.842	Oppose	Remove the ONF Overlays, review/reassess, check for accuracy and apply to the properties that they relate to only.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.738</i>	<i>Oppose</i>	<i>Disallow</i>
Brian Anderson (S576)	S576.007	Amend	Amend Outstanding Natural Landscapes to objectively identify area with particular values
Brian Anderson (S576)	S576.017	Support	Amend ONL boundaries based on landscape values, not the underlying land tenure.
Anne Chapman (S425)	S425.009	Amend	Include all identified ONLs
New Zealand Coal & Carbon Limited (S472)	S472.051	Oppose in part	Amend the maps of the overlay to exclude the full extent of existing, lawfully established and/or approved areas of activity.
Westpower Limited (S547)	S547.275	Amend	Ensure identification of outstanding natural features and landscapes appropriately recognise and provide for the existing energy activities and infrastructure located within them.
Straterra (S536)	S536.004	Oppose in part	Review the size and extent of the ONLs and provide more information on the criteria used
<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>FS89.089</i>	<i>Support</i>	<i>Allow</i>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.156	Oppose	This part of the plan requires further work in consultation with mana whenua. See submission point below for future details.
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.157	Oppose	a. That Council engage with Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu to review the proposed ONL and ONF sites against sites of cultural significance which will include the Sites and Areas of Significance to Māori listed in Schedule 3 and the MPZ - Māori Purpose Zoned land to determine if there are ONL and ONF sites that need to be removed to enable the exercising of tino rangātiratanga



			on our own whenua or if there are Poutini Ngāi Tahu values and historical associations that should be recognised and provided for in the Plan. b. That the matters of control or discretion are amended to recognise and protect Poutini Ngāi Tahu values.
Te Tai o Poutini Plan Committee (S171)	S171.001	Amend	Amend the extent of the area of Outstanding Natural Landscape overlays in the Plan to reflect the updated boundaries for the Outstanding Natural Landscape where these cover a lesser land area than the proposed plan maps, as identified in the Brown Ltd September 2022 mapping [refer attached maps]
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.0010	Support in part	Allow in part
Grey District Council	FS1.314	Support	Allow

### Analysis

49. Joel and Jennifer Watkins (S565.035), Westland District Council (S181.016), Te Tumu Paeroa (S440.032) support the approach to ONLs. Forest and Bird (S560.228) support the approach of dealing with vegetation clearance in the ECO chapter and references within the rules to the ECO chapter (S560.232). This support is noted.
50. Grey District Council (S608.059) opposes the references to sites and areas of significance to Māori in the chapter. This is part of a wider suite of submissions seeking to remove all provisions and references in relation to Sites and Areas of Significance to Māori from the Plan. The substantive matter is addressed in detail within the Sites and Areas of Significance to Māori s42A report, but in summary I do not support this submission. Section 6 of the RMA specifically identifies that the protection of historic heritage, which under the RMA definition includes sites and areas of significance to Māori, is a matter of national importance. I also note that Section 6(e) specifically provides for the relationship of Māori with their taonga.
51. Skyline Enterprises Limited (S250.004) seeks that the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development. I do not support this submission. The proposed aerial cableway is just that – a proposal that is being considered as part of the review of the Westland National Park Management Plan. Based on my understanding of what is proposed, it is likely to be a Discretionary Activity under the proposed Plan rules. I consider that is appropriate and that no specific provision for this activity is required.
52. Forest and Bird (S560.229) supports the approach of referring to other chapters. Transpower New Zealand Limited (S299.079) seeks to clarify the relationship between activities within the Energy Chapter and those within the Natural Features and Landscapes Chapter. I consider that the relationship is clear – overlay provisions apply to energy activities, transport activities and infrastructure activities. This is stated in the Overview of those chapters. Transpower seeks that either the provisions do not apply or that specific policy be provided in the chapter in relation to the national grid. The national grid does traverse through areas of ONL, and I note that it has a Designation for this purpose. In addition, the NES – Electricity Transmission provides for operation, maintenance, repair and upgrade of the national grid. However, given the direction in the NPS – Electricity Transmission I am not opposed to a specific policy around the national grid in this chapter. I invite Transpower to provide information on appropriate wording at the hearing.

53. Westpower Limited (S547.276) seeks that the NFL provisions adequately recognise the importance of these energy activities and infrastructure to the community and the environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities. I discuss the detail of the provisions in relation to specific submissions, but I consider that the provisions in the proposed Plan, and with the amendments I recommend below meet the outcomes sought by this submission which I therefore support.
54. Buller District Council (S538.00640) generally supports the rule framework provided the requested amendments are made to the ECO chapter. It expects there will be a close correlation between ONFLs and SNAs (once identified) therefore the rule framework should provide a consistent approach across the overlays. I support this submission in part – in that I agree there should be a consistent approach across the overlays. However, there are some matters of difference between the values that justify a difference in rules in some instances.

### **Submissions on the Extent of the Overlay/ Methodology for Assessment**

55. Hadley Mills (S534.001 and S534.002), Grey District Council (S608.841, S608.842), Brian Anderson (S576.007, S576.017), Anne Chapman (S425.009) and New Zealand Coal and Carbon Limited, Straterra (S536.004), Westpower Limited (S547.275) and Ngā Tahu (S620.156, S620.157) and Te Tai o Poutini Plan Committee (S171.001) have submitted in relation to the methodology, approach and overall extent of the ONL overlay. In order to respond to these submissions, I will first provide a precis of the information about how the overlays were developed.
56. In 2013, Brown Limited was engaged by the three District Councils and the WCRC to undertake a landscape and natural character assessment of the West Coast. Stephen Brown, a landscape architect with substantial visual assessment experience undertook the work. This resulted in a set of maps and reports that were intended to form the basis of both Regional and District Plan changes on the West Coast. In 2016 the WCRC went ahead and included both the ONL and ONC maps produced in the Regional Coastal Plan – as related to the coastal environment. This Plan is still proposed and has not yet had submissions heard on it.
57. When planning work commenced for the TTPP it was decided that, because this evaluation had already been undertaken, and was used to inform the Regional Coastal Plan, that it was appropriate to use it as the basis of the ONL (and Coastal Natural Character) maps in TTPP. The maps were digitized by the WCRC GIS planning team.
58. During the preparation of the Plan, it became evident that there were two problems with the maps:
  - The digitization process had not accurately captured all the ONL boundaries – due to the differences in scale between the original maps and the ability for the online maps to be “zoomed in” to a property scale.
  - Some modifications to the environment and development had occurred in the intervening period, which meant that areas that are now not “outstanding” were included in the maps.
59. Unfortunately, the Covid lockdowns had a significant impact on the timing of review work. Mr Brown undertook a limited review of identified areas and boundaries to inform the development of the proposed Plan. This resulted in some significant changes – such as the downgrading of the Peter Range behind Greymouth to no longer be an ONL due to the extent of development that has occurred, and the consequent degradation of landscape values.
60. A full review of the entire map set was not able to be completed until after the TTPP was publicly notified. For this reason, the TTPP Committee have sought to have the overlay adjusted to reflect these maps in a submission.
61. I turn now to the criteria used to assess the ONLs on the West Coast. Mr Brown provided a report that outlined the process and criteria he used to undertake evaluation of ONLs (and Natural Character). <https://tppp.nz/wp-content/uploads/2022/01/West-Coast-Region-ONL-Natural-Character-Assessment-Report-2021.pdf> This report outlines that that study adopted an approach that was considered to be consistent with relevant case law at that time from



the Environment Court, guidance from the New Zealand Institute of Landscape Architects and past studies undertaken in different parts of New Zealand. The report outlines the methodology in detail including:

- Criteria used
  - When a landscape is considered sufficiently “natural” to qualify as an ONL
  - When a landscape is “outstanding”
  - The NZ Institute of Architects Practice Note Landscape Assessment & Sustainable Management 10.1
  - The agreed assessment methodology
  - The process with which the assessment was undertaken.
62. Since this work was undertaken the NZILA has now released draft guidelines for landscape assessment, which includes a section on landscape assessment for ONLs. Mr Brown was a contributor to developing these guidelines. It is my opinion, based on my reading of these guidelines, that the methodology undertaken by Mr Brown is consistent with these guidelines.
63. Turning now to the submissions. Hadley Mills (S534.001 and S534.002) seeks that the overlay be withdrawn and that the policy framework either outlines that the Conservation Act already provides for s6(b) RMA protection, or that a new policy states that a new assessment will be done. I do not support these submissions. As I have outlined above, the criteria used are robust and consistent with good practice (as provided by the NZILA) and past decisions of the Environment Court around landscape matters. It is a fact that the West Coast has many beautiful and natural landscapes that have very high values. It should be no surprise that there are many ONLs. It is true that the public conservation land (PCL) is the location of the overwhelming majority of these landscapes, but PCL is much more representative of mountainous landscape types, and the landscapes of the National Park areas. And in many instances the land adjacent to the PCL forms a key part of the landscape and cannot be separated from the larger whole without affecting its values.
64. Grey District Council (S608.841 and S608.842) seeks a reassessment of the overlays. I consider that this has been done and this is the reassessment and mapping work referred to in the submission of Te Tai o Poutini Plan Committee. I also note that the review being done by Bridget Gilbert Landscape Architecture (report to be circulated separately) includes confirming the methodology undertaken is appropriate. I therefore support this submission, in that this work has been done.
65. Brian Anderson (S576.007) seeks that the ONLs be amended to objectively identify an area with particular values. I have addressed this issue in part in my s42A report on the Introduction and General Provisions and have recommended that a more detailed description of each ONL be provided in the schedule. This information is available from the Brown Ltd reports, which provides more detail about the values of each of these landscapes. I therefore support this submission.
66. Brian Anderson (S576.017) seeks that ONL boundaries should be based on landscape values, not underlying land tenure. Anne Chapman (S425.009) seeks that all identified ONLs be included. I support these submissions in part. These submissions relate to the decision of the TTPP Committee, to exclude Treaty Settlement redress lands, and original lands still in the ownership of Poutini Ngāi Tahu from the ONL layer. This was because the Committee felt that it was important that both Section 6(b) and 6(e) matters of national importance were reflected in how these matters are managed in the Plan. In order to support the mana, tino rangatiratanga and kaitiakitanga responsibilities of Poutini Ngāi Tahu, these lands are not included in the mapped area. The areas are not excluded from the schedule per se – in that the description of the ONL in the schedule includes the Poutini Ngāi Tahu lands. The policies and the rules refer to the schedule.
67. New Zealand Coal & Carbon Limited (S472.0521) seeks that the maps exclude the full extent of existing, lawfully established and/or approved areas of activity. Westpower Limited (S547.275) seeks that the maps recognise and provide for infrastructure. I do not support this. ONLs should be identified based on consistent criteria. Plan policy and rules is the place to address how activities located in ONLs should be managed.

68. Straterra (S536.004) seeks a review of the ONLs size and extent and more information on the criteria used. The criteria and the reports have all been available on the Council website since the plan was notified in June 2022, and the updated Brown Ltd mapping has been available on the website since September 2022. The ONLs size and extent have been fully reviewed. I therefore support this submission, in that this work has already been done.
69. Ngāi Tahu (S620.156, S620.157) seeks that further work is done to engage with them to review the proposed ONL and ONF sites against sites of significance. My understanding is that when Brown Ltd identified ONL sites that there was some consideration of cultural significance of the landscapes, but specific consultation with Poutini Ngāi Tahu to inform this was not undertaken. This therefore is an omission from the Plan. I support these submissions and I have engaged with Ngāi Tahu about how to provide for this within the ONFL schedule. I have analysed the overlap between ONLs and Sites and Areas of Significance to Māori (SASMs) – and this is outlined in the table below. I recommend that the reference to the presence of each of these SASM sites be added to the description of the relevant ONL in Schedule 5 so that where there is reference within the plan provisions referring to Poutini Ngāi Tahu values and cultural landscapes that these have a clear reference point within the ONL overlay.

<b>ONL #</b>	<b>SASM Site within ONL</b>
ONL 55 Kohaihai Bluff to Kahurangi Point	SASM1 Kahurangi Point - Qāhi tohu SASM 2 Whakapoai / Heaphy - Māori reserve SASM 3 Whakapoai Native Reserve 7B - Māori reserve SASM 216 Ōtukoro Historic Reserve / Ōtukoro Iti - Kahurangi - Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai
ONL 46 Kaipakati Point to Needle Point	SASM 30 Te Miko - Ara tāwhito SASM 31 Punakaiki - Kāinga, Cave, Mahinga kai, Ara tāwhito SASM 32 Punakaiki River - Nohoanga
ONL 44 Te Paparoa / Paparoa Range west (low elevation)	SASM 26 Tiropahi - Wāhi tapu SASM 27 Fox River - Kāinga Cultivations, Mahinga kai, Ara tāwhito SASM28 Te Ana Matuku - Traditional nohoanga, Cave SASM 34 Pahautane Beach - Wāhi taonga, Ara tāwhito
ONL 43 Nine, Fourteen, and Seventeen Mile Bluffs	SASM 35 Maukurunui (17 Mile Bluff) - Tohu whenua SASM 37 Kararoa Māori Reserve 35 - Māori Reserve, Cultivations SASM 38 Kararoa - Wāhi tapu SASM 41 Kotorepi (Nine Mile) - Wāhi tapu SASM 44 Rapahoe to Nine Mile - Ancestors embedded in the landscape. SASM 45 Rapahoe - Māori Reserve
ONL 41 Te Paparoa / Paparoa Range east and Mt William Range	SASM 47 Māwheranui - Native Reserve SASM 48 Brunner - Wāhi taonga
ONL 39 Te Paparoa / Paparoa Range foothills	SASM 23 No. 45 Watarakau Native Reserve - Māori Reserve, Mahinga kai SASM 25 Tiroroa - Pā site

ONL 32 Haupiri fluvio-glacial lakes	SASM 74 Lake Haupiri Nohoanga - Mahinga kai SASM 78 Lady Lake Nohoanga - Mahinga kai
ONL 31 Rapahoe Range	SASM 46 Point Elizabeth - Tohu whenua, Wāhi taonga
ONL 29 Kōtukuwhakaoka / Lake Brunner - Ohonu / Hohonu Range and Tekimoka / Mt Te Kinga	SASM 67 (part) Kōtukuwhakaoko/Arnold River - Mahinga kai SASM 79 Cashmere Bay, Te Kinga Pā site SASM 82 Kōtukuwhakaoko/Lake Brunner (Moana) - Statutory Acknowledgement, Mahinga kai SASM 81 Takataka Islands - Pā site SASM 84 Knoll Point - Pā site SASM 85 Ta Kinga/ Kōtukiwhakaoko - Urupā SASM 86 Ōrangipuku Creek Mouth - Tauranga waka
ONL 27 Lower Taramakau River and Kawhaka Forest	SASM 104 Kawhaka Creek Catchment - Pounamu legends, Ancestors embedded in the landscape
ONL 25 Lake Kaniere	SASM 104 Kawhaka Creek Catchment - Pounamu legends, Ancestors embedded in the landscape SASM 107 Island Hill/Raparapahoi - Sacred maunga, Ancestors embedded in the landscape SASM 109 Pyramid Hill/Tumuaki Hill - Sacred maunga, Ancestors embedded in the landscape SASM 112 Arahura River at Tūhua - Ancestors embedded in landscape SASM 114 Tara o Tama - Ancestors embedded in landscape SASM 116 Mt Tūhua - Sacred maunga, Ancestors embedded in the landscape SASM 117 Waitaiki Catchment - Ancestors embedded in the landscape SASM 118 Lake Kaniere - Statutory Acknowledgement, Mahinga kai, Ancestors embedded in the landscape SASM 121 Waitaiki Historic Reserve - Pounamu legends, Ancestors embedded in the landscape
ONL 26 Lake Mahinapua	SASM 111 Lake Māhinapua - Wāhi tapu
ONL 21 Matahi/ Lake Ianthe	SASM 125 Lake Matahi/Lake Ianthe mahinga kai
ONL 20 Wakanui / Wanganui Bluffs to Waitaha River	SASM 162 Heretaniwha wāhi tapu SASM 167 Mahitahi Mussel & Pipi Bed - Mahinga kai SASM 168 No. 4 Heretaniwha Native Reserve - Silent File Wāhi tapu SASM 169 No. 5 Mahitahi Native Reserve -Kainga SASM 170 Porangirangi to Mahitahi - Kāinga SASM 171 Mahitahi River - Nohoanga SASM 181 Paringa River Reserve / Rural Section 727A - Māori Reserve

	SASM 182 Paringa River Reserve / Lot 1 DP 3785 - Māori Reserve
ONL 19 Pouerua hapua / Saltwater Lagoon	SASM 126 Pouerua-hāpua /Saltwater Lagoon - Statutory Acknowledgement, Mahinga kai, Ara tawhito SASM 127 Ulipa - Wāhi tapu
ONL 16 Okarito Lagoon to Mt Bird	SASM 128 Whataroa Native Reserves Sec 22 - Māori Reserve, SASM 129 Waitangiroto Nature Reserve - Former Māori Reserve, Mahinga kai SASM 130 Whataroa Native Reserves Secs 21 - Wāhi tapu SASM 131 Ōkārito Lagoon - Statutory Acknowledgement, Mahinga kai, Mātaitai, Ancestors embedded in the landscape SASM 132 Ōkārito Mātaitai Reserve - Mahinga kai SASM 133 No.19 Ōkarito Native Reserve - Kainga SASM 134 Ōkārito River/Lagoon - Nohoanga, mahinga kai SASM 135 Ōkārito (No. 18 Koamaru Native Reserve) - Wāhi tapu
ONL 15 Koihahai / Gillespies Point to Te Kohumarua Bluff	SASM 136 No. 15 Omoeroa Native Reserve - Māori Reserve, Traditional nohoanga SASM 137 No. 17 Waiahope Native Reserve - Māori Reserve, Traditional nohoanga SASM 138 No. 16 Waikohai Native Reserve - Māori Reserve, Traditional nohoanga, kainga SASM 139 Gillespies Beach Māori Reserve - Kainga SASM 140 Lake Matheson - Mahinga kai
ONL 14	SASM 177 Copland Track - Ara tāwhito SASM 145 Kā Roimata-a-Hinehukatere / Franz Josef Glacier - Ancestors embedded in the landscape SASM 148 Te Moeka-o-Tuawe / Fox Glacier - Ancestors embedded in the landscape
ONL 13 Strachan and Bannock Brae Ranges	SASM 166, SASM 183 Makāwhio River (Jacobs River) - Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu Mahinga kai
ONL 12 Mahitahi Makaawhio / Jacobs River, and Karangarua foothills	SASM 166, SASM 183 Makāwhio River (Jacobs River) - Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu Mahinga kai
ONL 11 Mahitahi / Bruce Bay to Cook Bluff	SASM 144 Karangarua Lagoon - Statutory Acknowledgement, Mahinga kai SASM 146 Puketahi - The Sugar Loaf SASM 147 Karangarua River Nohoanga - Mahinga kai SASM 151 Bruce Bay/Manakaiaua - Māori Reserve SASM 156 Te Puku o te Wairapa - Sacred maunga, Ancestors embedded in the landscape

	<p>SASM 157 No. 10 Makāwhio Native Reserve - Māori Reserve, Pā site, Urupā</p> <p>SASM 158 No. 8 Makāwhio and No. 9 Makāwhio - Māori Reserve, Pā site, Urupā, Mahinga kai</p> <p>SASM 159 Tikitiki o Rehua - Sacred maunga, Ancestors embedded in the landscape</p> <p>SASM 172 Pāpākeri Creek - Mahinga kai</p> <p>SASM 183 Makāwhio River Catchment (Jacobs River) - Ancestors embedded in the landscape, Wāhi taonga, wāhi tapu, Mahinga kai</p>
<p>ONL 10 Bald, Moeraki and Paringa Hills</p>	<p>SASM 180 No. 3 Paringa Native Reserve – Māori Reserve</p> <p>SASM 184 Lake Pāringa - Statutory Acknowledgement, Mahinga kai</p> <p>SASM 185 Lake Moeraki Reserve - Māori Reserve, Mahinga kai</p> <p>SASM 186 Whakapoai - Māori Reserve</p> <p>SASM 187 Arnott Point - Traditional nohoanga, Cave, Battle site, wāhi tapu</p>
<p>ONL 4 Okahu / Jackson Bay</p>	<p>SASM 189 Waita River - Nohoanga</p> <p>SASM 190 Waita River - Kāinga, urupā, mahinga kai</p> <p>SASM 191 Tawharekiri Lake (Māori Lakes) - Mahinga kai</p> <p>SASM 192 Awarua - Māori Reserve</p> <p>SASM 196 Ōkuru River - Nohoanga</p> <p>SASM 197 Ōkuru - Nohoanga, kāinga, urupā, mahinga kai</p> <p>SASM 198 Ōkuru - Mātaitai Reserve, mahinga kai</p> <p>SASM 199 Mussel Point - Wāhi tapu</p> <p>SASM 202 Waiatoto Lagoon, North Bank- Nohoanga, mahinga kai</p> <p>SASM 204 Waiatoto Lagoon, South Bank - Nohoanga, mahinga kai</p> <p>SASM 205 No. 2 Waiatoto Native Reserve</p>
<p>ONL 3 Jackson Head and Stafford Ranges</p>	<p>SASM 209 No. 1 Arawata Native Reserve West Reserve Block - Māori Reserve</p>
<p>ONL2 Bonar Knob and Katake / Cascade Point</p>	<p>SASM 212 Cascade River - Kāinga Mahinga kai, Traditional nohoanga</p> <p>SASM 211 Cascade River - Nohoanga, mahinga kai</p> <p>SASM 213 Barn Bay - Kāinga, urupā</p>
<p>ONL 1 Malcolm, McKenzie and Hope Blue River Ranges</p>	<p>SASM 214 Huruhuru Manu/Spoon River - Traditional nohoanga, Mahinga kai</p> <p>SASM 215 Hautai - Kāinga, mahinga kai</p>

70. Te Tai o Poutini Plan Committee (S171.001) seeks to amend the extent of the area of Outstanding Natural Landscape overlays in the Plan to reflect the updated boundaries for the

Outstanding Natural Landscape where these cover a lesser land area than the proposed plan maps, as identified in the Brown Ltd September 2022 mapping. In its further submission Forest and Bird (FS34.0010) argues that this amendment should include where new information identifies an increase as well as where it identifies a decrease in land area covered by the Outstanding Natural Landscape overlays. I agree with the Forest and Bird argument and support Te Tai o Poutini Plan Committee's submission in part.

### Recommendations

71. That the Plan be amended to replace the existing ONL mapping with the September 2022 ONL maps developed by Brown Limited and included within the TTPP Committee submission.
72. That the Plan be amended so that where a Site or Area of Significance to Māori is within an Outstanding Natural Landscape, this information is included within the Schedule 5 description.
73. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 6.2 Submissions on the Overview

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Department of Conservation (S602)	S602.084	Support	Support the overview in its entirety.
Buller Conservation Group (S552)	S552.226	Amend	Amend to give specific mention of mature indigenous trees as these individuals or groups often give an area its natural charm and character.
Frida Inta (S553)	S553.215	Amend	Amend to give specific mention of mature indigenous trees as these individuals or groups often give an area its natural charm and character.
Buller Conservation Group (S552)	S552.080	Oppose	Sections 7(d) and 5(b) of the RMA: need to be mentioned in the overview.  Amend NFL chapter: ' <u>natural character</u> ' in the objectives and policies, and all rules need to refer to protection of it.
<i>Westpower Limited</i>	<i>FS222.024</i>	<i>Oppose</i>	<i>Disallow</i>
Frida Inta (S553)	S553.080	Oppose	Amend NFL chapter: ' <u>natural character</u> ' in the objectives and policies, and all rules need to refer to protection of it.
<i>Westpower Limited</i>	<i>FS222.0136</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.227	Amend	Amend to mention ecosystem services. It is at the landscape level that ecosystem services are maintained or, hopefully, enhanced.
<i>Westpower Limited</i>	<i>FS222.025</i>	<i>Support</i>	<i>Allow</i>
Frida Inta (S553)	S553.216	Amend	Amend to mention ecosystem services. It is at the landscape level that ecosystem services are maintained or, hopefully, enhanced.

<i>Westpower Limited</i>	<i>FS222.0137</i>	<i>Oppose</i>	<i>Disallow</i>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.159	Amend	That an additional paragraph is added to the front of this chapter outlining the values that are to be protected through the ONL/ONF provisions.
Westpower Limited (S547)	S547.277 S547.0507	Amend	Add: <u>There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the West Coast that services the communities spread throughout the region and in to neighbouring regions. Such activities have been, and will continue to be, developed and undertaken recognising and taking into account the local conditions. Given the topography and extent of natural features and landscapes on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy. The National Policy Statement for Renewable Electricity Generation also recognises the constraints and requirements of such activities including, amongst other matters, being located where the resource is.</u>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.733</i>	<i>Support in part</i>	<i>Allow in part</i>
Westpower Limited (S547)	S547.278 S547.0507	Amend	Format Natural Environment Values chapters consistently to advise how chapters work together to assist with implementation.
Westpower Limited (S547)	S547.279 S547.0507	Amend	Consistent with the ECO section, reference the Strategic Objectives and Policies, including amendments arising in this submission above.

### **Analysis**

74. The Department of Conservation (S602.084) supports the overview. This support is noted.
75. Buller Conservation Group (S552.215) and Frida Inta (S553.215) seek that specific mention be made in the overview of mature indigenous trees as these individuals or groups often give an area its natural charm and character. While I understand the sentiment, ONLs have been identified through use of a set of criteria through a comprehensive landscape assessment. Identifying one aspect above all others would give the impression that this had a higher weight, which is not correct.
76. Buller Conservation Group (S552.080) and Frida Inta (S553.080) seek that Section 7(d) – intrinsic values of ecosystems and 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems, be specifically mentioned in the overview. They also seek (S552.227 and S553.216) that the overview be amended to mention ecosystem services. I do not

consider this necessary – these matters relate much more to the ECO chapter than the ONFL chapter. Ecological criteria were not used to determine the location of ONFL. These submitters also seek that “natural character” is included within the objectives, policies and rules of this chapter. As a blanket approach I do not support this. The ONFL chapter is in response to section 6(a) of the RMA – although I acknowledge that natural character is a matter, like mature indigenous trees, that can contribute to making a landscape outstanding.

77. Ngāi Tahu (S620.159) seeks that an additional paragraph is added to the overview outlining the values that are to be protected through the ONL/ONF provisions. I support this submission and propose a draft paragraph as follows:

Outstanding natural landscapes (ONLs) have been identified as having the following values:

- Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape
  - Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity.
  - Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.
78. Westpower Limited (S547.277, S547.057) seeks the inclusion of a paragraph of text about energy activities and infrastructure. I note that the overview already states “These areas may also include critical infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification.” I support the submission in part, in that some additional text is useful but not the full detail sought in the submission.
79. Westpower Limited (S547.278, S547.0507) seeks that the natural environment chapters are formatted consistently. It is not clear from the submission what aspects of the formatting that Westpower Limited is referring to. I support a consistent approach and suggest that they provide more information at the hearing about their concerns.
80. Westpower Limited (S547.279, S547.0507) seeks the referencing of the strategic objectives and policies in the overview in a similar fashion to the ECO chapter. I support this in part but consider that the exact wording and strategic objectives/policies referenced will depend on decisions on the Strategic Objectives chapter. I therefore propose that wording is developed as a consequential amendment once those decisions are made.

### **Recommendations**

81. That the following amendments be made to the Overview section of the NFL Chapter:

#### **Overview**

...The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include critical infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification. Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

Outstanding natural landscapes (ONLs) have been identified as having the following values:

- Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and landuses within the landscape



- Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity
- Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.

....

#### **Other relevant Te Tai o Poutini Plan provisions**

....

- **Strategic Objectives** – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Connections and Resilience Strategic Objectives are particularly relevant.

...

82. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## **7.0 Submissions on Natural Features and Landscapes Objective**

### *Submissions*

<b>Submitter Name /ID</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
Buller District Council (S538)	S538.00637	Support	Retain as notified.
David Ellerm (S581)	S581.026	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.338	Support	Retain objective.
Terra Firma Mining Limited (S537)	S537.014	Support	Retain NFL - O1
Waka Kotahi NZ Transport Agency(S450)	S450.090	Support	Retain as proposed.
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.028	Support	N/A
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.160	Amend	Retain Objective provided that the values in the Schedules 5 and 6 include an appropriate assessment of mana whenua values.
Karen Lippiatt (S439)	S439.029	Oppose	Delete objective and in particular reference to appropriate subdivision, use and development.

Department of Conservation (S602)	S602.086	Amend	Amend: To protect the values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini <u>from inappropriate subdivision, use and development</u> , while <del>providing for</del> allowing subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.
<i>Buller District Council</i>	<i>FS149.0115</i>	<i>Support</i>	<i>Allow</i>
Manawa Energy Limited (Manawa Energy) (S438)	S438.085	Support in part	Amend NFL – O1 as follows: <del>To protect</del> <u>The values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini are protected while providing for</u> <del>from inappropriate subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</del>
New Zealand Coal & Carbon Limited (S472)	S472.018	Support in part	Support providing for “use and development”
Westpower Limited (S547)	S547.280	Amend	Delete and replace: 1. <u>Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development</u> ; and 2. <u>Provide for appropriate subdivision, use and development on, in, or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance social, economic and cultural wellbeing.</u>

### Analysis

83. Buller District Council (S538.00637), David Ellerm (S581.026), Te Mana Ora (S190.338), Terra Firma Mining (S537.014), Te Tumu Paeroa and Waka Kotahi (S450.090) support the objective. This support is noted.
84. Ngāi Tahu (S620.160) seeks that the Objective be retained provided that the values in the Schedules 5 and 6 include an appropriate assessment of mana whenua values. As is discussed in relation to S620.157 in Section 12, I support this assessment.
85. Karen Lippiatt (S439.029) seeks that the objective be deleted. This submitter considers that the objective is self-contradictory. If an area is of significant indigenous vegetation or significant habitat to indigenous fauna, then its ecosystem and biodiversity value cannot be enhanced by turning it into a subdivision. I do not support this submission. I consider that there is clear direction in 7B Objective 2 of the WCRPS that there can be appropriate subdivision use and development. In addition 7B Policy 3 of the WCRPS provides guidance on what can be appropriate activities as follows:

*When determining if an activity is appropriate, the following matters must be considered:*

- a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;*
- b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;*

- c) *The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;*
  - d) *The resilience of the outstanding natural feature or landscape to change;*
  - e) *Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;*
86. The Department of Conservation (S602.086) seeks that the objective be amended to refer to the protection being in relation to inappropriate subdivision, use and development and to replace the "providing for" with "allowing". Manawa Energy (S438.085) have a similar submission with slightly different wording. These submitters seek to make it more explicit that ONLs and ONFs should be protected from inappropriate subdivision, use and development in accordance with Section 6(b) of the Act, and development in these areas should only be 'allowed' where the values are maintained or enhanced. I support a combination of the wording provided in the submissions of Manawa Energy and Department of Conservation as I consider that they are more consistent with the wording in Objectives 7B1 and 7B2 in the WCRPS. I do not support replacing "providing for" with "allowing" as in the language consistency discussions among the s42A authors we prefer "providing for" in circumstances where this is directing that resource consent may be required.
87. New Zealand Coal & Carbon Limited (S472.018) support the part of the objective that refers to "providing for use and development". I support this.
88. Westpower Limited (S547.280) seeks that the objective be deleted and replaced with two objectives that are essentially identical to those in the WCRPS. I do not support this. I do not consider it necessary or appropriate that TTPP objectives are identical to the WCRPS.

### Recommendations

89. That Objective NFL – O1 be amended as follows:

~~To protect~~ The values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini are protected from inappropriate subdivision, use and development, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.

90. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.0 Submissions on Natural Features and Landscapes Policies

### 8.1 Submissions on the policies as a whole

#### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.00638	Support	Retain as notified
David Ellerm (S581)	S581.027	Support	Retain
Manawa Energy Limited (Manawa Energy) (S438)	S438.083	Not Stated	Revise the policies to properly work through the approach to identification, management and protection of ONFL. Revise the policies to clearly articulate the criteria and methodology for identification of ONFL. Revise the policies to provide a clear hierarchy through specific wording that steps through what is enabled, provided for, managed and avoided. Do not use the term 'minimise' as this has no agreed meaning and would be better with 'manage' which covers a range of methods, or avoid/ remedy/

			mitigate as clearly understood terms. Amend the landscape study and associated landscape schedules to include: <ul style="list-style-type: none"> <li>•descriptions and characterisations of landscape generally</li> <li>•identification of values within each of the ONFL</li> <li>•identification of existing activities and modifications within the ONFL.</li> </ul> Amend the mapping of ONFL to improve accuracy and to follow best practice.
Manawa Energy Limited (Manawa Energy) (S438)	S438.086	Amend	Add a new policy NFL – P1 as follows: Identify the District’s landscapes by: <ul style="list-style-type: none"> <li>a. assessing the values and characteristics of the landscapes according to the following criteria: <ul style="list-style-type: none"> <li>i. biophysical (abiotic, biotic); and</li> <li>ii. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and</li> <li>iii. associative (shared and recognised values, mana whenua values, historic heritage associations); and</li> </ul> </li> <li>b.i identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, or Outstanding Natural Landscapes; and</li> <li>c. describing the values and characteristics of each Outstanding Natural Feature, or Outstanding Natural Landscape within Schedules Five and Six.</li> </ul> Amend the Plan by consequentially renumbering Plan provisions and making any other necessary to related changes to give effect to the relief sought.
<i>Westpower Limited</i>	<i>FS222.0191</i>	<i>Support in part</i>	<i>Not stated</i>
<i>Frida Inta</i>	<i>FS223.022</i>	<i>Support</i>	<i>Not stated</i>
<i>Buller Conservation Group</i>	<i>FS224.022</i>	<i>Support</i>	<i>Not stated</i>
Transpower New Zealand Limited (S299)	S299.082	Amend	Retain this text and move to the ‘overview’ section.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.030	Amend	Where non-biodiversity offsetting or compensation is referred to in the Plan, provide policy direction, explanation, and potentially new definitions, clearly setting out what is required or envisaged. Alternatively delete the provisions referring to non-biodiversity offsetting.
<i>Department of Conservation</i>	<i>FS122.002</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>West Coast Federated Farmers of New Zealand</i>	<i>FS103.013</i>	<i>Neutral</i>	<i>Allow in part</i>

<i>Westpower Limited</i>	<i>FS222.0203</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frida Inta</i>	<i>FS223.008</i>	<i>Support</i>	<i>Not stated</i>
<i>Buller Conservation Group</i>	<i>FS224.008</i>	<i>Support</i>	<i>Not stated</i>
<i>Annabel Gosset</i>	<i>FS120.7</i>	<i>Support</i>	<i>Allow</i>

91. Analysis

92. Buller District Council (S538.00638) and David Ellerm (S581.027) support the policies as a whole. This support is noted.

93. Manawa Energy Limited (S438.083) seeks a substantial revision to the policies. I support this submission in part. They seek that the criteria and methodology for identification of ONFL be included in the policies (S438.086). I do not consider that this is necessary. I recommend including this information in the overview section as per submissions on that part of the Plan. It is not anticipated that further ONFL will be identified – the entire West Coast has been assessed and the criteria and methodology is outlined in the s32 report and supporting technical reports. They seek that the policies be reviewed to provide a clear hierarchy through specific wording through what is enabled, provided for, managed and avoided. I consider that the amendments proposed as a response to detailed submissions address this concern. They oppose the use of the term “minimise” – I do not support this. It is a term that is widely used in the WCRPS, and there is a definition now proposed in the s42A report. I consider that the meaning of “minimise” is quite different to “manage” and that it can be appropriately used in policies in the Plan. They also seek an amendment to the landscape study and schedules to include:

- descriptions and characterisations of landscape generally
- identification of values within each of the ONFL
- identification of existing activities and modifications within the ONFL.

94. I support the inclusion of additional information around characterising the landscapes and describing their values in the schedule, and this was also a recommendation in the Introduction and General Provisions s42A report. I do not support the inclusion of information around existing activities and modifications – this will inevitably become out of date and therefore not a useful inclusion in the Plan. They also seek that mapping of the ONFL be amended to improve accuracy. I support this part of the submission, in that the updated Brown Limited mapping provides this improved accuracy. Overall I support this submission in part.

95. Transpower New Zealand Limited (S299.082) supports the statement after the policies “Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.” They seek that this statement be moved to the overview section where they consider it would have more prominence. I support this, moving the reference to the “other relevant Te Tai o Poutini Plan provisions is consistent with how other relevant matters are referred to.

96. Forest and Bird (S560.030) seeks that where non-biodiversity offsetting or compensation is referred to in the Plan, policy direction, explanation, and new definitions, are provided clearly setting out what is required or envisaged. Alternatively delete the provisions referring to non-biodiversity offsetting. I do not support this submission. Offsetting and compensation are specifically provided for in the RMA (e.g. s77€ in relation to financial contributions, s104 and s106 in relation to resource consents). Case law in this area is now building up and the terms are becoming used more widely than just around biodiversity. This is also an area where there is work at a national scale (e.g. MFE work on freshwater offsetting and compensation) and I expect that national practice and understanding during the life of the plan will continue to evolve. The use of these terms in policy in TTPP is to allow for this approach in the future – with the recognition that it is an area where the focus on definition and practice is being undertaken at a national level.

### **Recommendations**

97. That the following amendments be made to the Natural Features and Landscapes section of the Plan:

## Other relevant Te Tai o Poutini Plan provisions

.... Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters....

## Natural features and Landscapes Policies

.... Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

98. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2

## 8.2 Policy NFL – P1

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Birchfield Ross Mining Limited (S604)	S604.038	Support	Retain
Federated Farmers of New Zealand (S524)	S524.069	Support	Retain as notified
Grey District Council (S608)	S608.631	Support	Retain as proposed.
Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.017	Support	Retain as proposed.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.339	Support	Retain policy.
Horticulture New Zealand (S486)	S486.031	Support	Retain NFL-P1 a)
KiwiRail Holdings Limited (S442)	S442.054	Support	Retain as proposed
Waka Kotahi NZ Transport Agency (S450)	S450.091	Support	Retain as proposed.
Frida Inta (S553)	S553.081	Amend	Delete P1
Buller Conservation Group (S552)	S552.081	Amend	Delete P1
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.046	Oppose	Amend Policy NFL-P2 as follows: Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they <del>do not adversely affect</del> <u>maintain</u> the values that contribute to a natural feature or landscape being outstanding and are for: a) ....
Grey District Council(S608)	S608.060	Amend	Re-word Policy 1 as follows: Provide for activities within outstanding natural

			landscapes described in Schedule Five and outstanding natural features described in Schedule Six <del>which have no more than minor effects...where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:</del>
Westpower Limited (S547)	S547.281	Amend	Amend: <del>Allow Provide for activities within ... where they do not adversely affect the adverse effects on the values that together contribute to a natural feature or landscape being outstanding are</del> <u>avoided, remedied or mitigated</u> , and are for;
Chris & Jan Coll (S558)	S558.108	Amend	Amend to include residential activities.
Chris J Coll Surveying Limited (S566)	S566.108	Amend	Amend to include residential activities.
Neil Mouat (S535)	S535.021	Oppose in part	Amend to include residential activities.
<i>Neil Mouat</i>	<i>FS54.25</i>	<i>Support</i>	<i>Allow</i>
William McLaughlin (S567)	S567.189	Amend	Amend to include residential activities.
Laura Coll McLaughlin (S574)	S574.108	Amend	Amend to include residential activities.
Bathurst Resources Limited and BT Mining Limited (S491)	S491.021	Amend	Amend: Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for: a. Existing land uses and lawfully established activities including <u>mineral extraction, mineral exploration, and , anticipated activities in the BCZ and MINZ</u> , existing network utilities, energy activities, agricultural, horticultural, and pastoral activities; b. ...
Birchfield Coal Mines Ltd (S601)	S601.044	Amend	Amend NFL - P1 as follows: a. ...; or. i. The alteration, maintenance or removal of existing buildings or structure; j. <u>Activities with a functional or operational need to locate within these areas, including mineral extraction, exploration and prospecting</u>
<i>MBD Contracting Limited</i>	<i>FS134.005</i>	<i>Support</i>	<i>Allow</i>
Birchfield Ross Mining Limited (S604)	S604.116	Amend	Amend NFL - P1 as follows: a. ...; or. i. The alteration, maintenance or removal of existing buildings or structure; j. <u>Activities with a functional or operational</u>



			<u>need to locate within these areas, including mineral extraction, exploration and prospecting</u>
TiGa Minerals and Metals Limited (S493)	S493.058	Amend	Amend: a. ...; j. <u>Activities with a functional or operational need to locate within these areas</u>
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.063	Amend	Amend: a. ...; j. <u>Activities with a functional or operational need to locate within these areas</u>
<i>Karamea Community Incorporated</i>	<i>FS125.012</i>	<i>Support</i>	<i>Allow</i>
<i>William McLaughlin</i>	<i>FS148.012</i>	<i>Support</i>	<i>Allow</i>
<i>Catherine Jane Smart-Simpson</i>	<i>FS155.011</i>	<i>Support</i>	<i>Allow</i>
<i>Catherine Jane Smart-Simpson</i>	<i>FS155.011</i>	<i>Support</i>	<i>Allow</i>
<i>Nathan Simpson</i>	<i>FS156.011</i>	<i>Support</i>	<i>Allow</i>
<i>Geoff Volckman</i>	<i>FS157.011</i>	<i>Support</i>	<i>Allow</i>
<i>Kathleen Beveridge</i>	<i>FS158.011</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Beveridge</i>	<i>FS159.011</i>	<i>Support</i>	<i>Allow</i>
<i>Frans Volckman</i>	<i>FS160.011</i>	<i>Support</i>	<i>Allow</i>
<i>Tom Murton</i>	<i>FS161.011</i>	<i>Support</i>	<i>Allow</i>
<i>Maryann Volckman</i>	<i>FS162.011</i>	<i>Support</i>	<i>Allow</i>
<i>Kylie Volckman</i>	<i>FS163.011</i>	<i>Support</i>	<i>Allow</i>
<i>Barbara Bjerring</i>	<i>FS164.011</i>	<i>Support</i>	<i>Allow</i>
<i>Brian Patrick Jones</i>	<i>FS165.011</i>	<i>Support</i>	<i>Allow</i>
<i>Bryan Rhodes</i>	<i>FS166.011</i>	<i>Support</i>	<i>Allow</i>
<i>Frank Bjerring</i>	<i>FS167.011</i>	<i>Support</i>	<i>Allow</i>
<i>Jane Garrett</i>	<i>FS168.011</i>	<i>Support</i>	<i>Allow</i>
<i>Allwyn Gourley</i>	<i>FS169.011</i>	<i>Support</i>	<i>Allow</i>
<i>Bevan Langford</i>	<i>FS170.011</i>	<i>Support</i>	<i>Allow</i>
<i>Shaun Rhodes</i>	<i>FS171.011</i>	<i>Support</i>	<i>Allow</i>
<i>Jack Simpson</i>	<i>FS172.011</i>	<i>Support</i>	<i>Allow</i>
<i>Roger Gibson</i>	<i>FS173.011</i>	<i>Support</i>	<i>Allow</i>
<i>Rachel Shearer</i>	<i>FS174.011</i>	<i>Support</i>	<i>Allow</i>
<i>Gareth Guglebreten</i>	<i>FS175.011</i>	<i>Support</i>	<i>Allow</i>
<i>Charlotte Aitken</i>	<i>FS176.011</i>	<i>Support</i>	<i>Allow</i>
<i>Glen Kingan</i>	<i>FS177.011</i>	<i>Support</i>	<i>Allow</i>
<i>Hayden Crossman</i>	<i>FS178.011</i>	<i>Support</i>	<i>Allow</i>



<i>Susan Waide</i>	<i>FS179.011</i>	<i>Support</i>	<i>Allow</i>
<i>Desirae Bradshaw</i>	<i>FS180.011</i>	<i>Support</i>	<i>Allow</i>
<i>Andrew Bruning</i>	<i>FS181.011</i>	<i>Support</i>	<i>Allow</i>
<i>Marty Syron</i>	<i>FS182.011</i>	<i>Support</i>	<i>Allow</i>
<i>Kelvin Jeff Neighbours</i>	<i>FS183.011</i>	<i>Support</i>	<i>Allow</i>
<i>J &amp; M Syron Farms</i>	<i>FS184.011</i>	<i>Support</i>	<i>Allow</i>
<i>Michelle Joy Stevenson</i>	<i>FS185.011</i>	<i>Support</i>	<i>Allow</i>
<i>Marnie Stevenson</i>	<i>FS186.011</i>	<i>Support</i>	<i>Allow</i>
<i>Sophie Fox</i>	<i>FS187.011</i>	<i>Support</i>	<i>Allow</i>
<i>Ed Tinomana</i>	<i>FS188.011</i>	<i>Support</i>	<i>Allow</i>
<i>Dave Webster</i>	<i>FS189.011</i>	<i>Support</i>	<i>Allow</i>
<i>Aidan Corkill</i>	<i>FS190.011</i>	<i>Support</i>	<i>Allow</i>
<i>Shanae Douglas</i>	<i>FS191.011</i>	<i>Support</i>	<i>Allow</i>
<i>Danielle O'Toole</i>	<i>FS192.011</i>	<i>Support</i>	<i>Allow</i>
<i>Aimee Milne</i>	<i>FS193.011</i>	<i>Support</i>	<i>Allow</i>
<i>Michael O'Regan</i>	<i>FS194.011</i>	<i>Support</i>	<i>Allow</i>
<i>Neal Gallagher</i>	<i>FS195.011</i>	<i>Support</i>	<i>Allow</i>
<i>Arthur Neighbours</i>	<i>FS196.011</i>	<i>Support</i>	<i>Allow</i>
<i>Mat Knudsen</i>	<i>FS197.011</i>	<i>Support</i>	<i>Allow</i>
<i>Brendon Draper</i>	<i>FS198.011</i>	<i>Support</i>	<i>Allow</i>
<i>Matthew Thomas</i>	<i>FS199.011</i>	<i>Support</i>	<i>Allow</i>
<i>Philip O'Connor</i>	<i>FS200.011</i>	<i>Support</i>	<i>Allow</i>
<i>Tracy Moss</i>	<i>FS201.011</i>	<i>Support</i>	<i>Allow</i>
<i>James Dunlop Stevenson</i>	<i>FS202.011</i>	<i>Support</i>	<i>Allow</i>
<i>Murray Aitken</i>	<i>FS203.011</i>	<i>Support</i>	<i>Allow</i>
<i>Joel Hands</i>	<i>FS204.011</i>	<i>Support</i>	<i>Allow</i>
<i>Peter Hands</i>	<i>FS205.011</i>	<i>Support</i>	<i>Allow</i>
<i>Patrick John Hands</i>	<i>FS206.011</i>	<i>Support</i>	<i>Allow</i>
<i>Jackie O'Connor</i>	<i>FS207.011</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Douglas</i>	<i>FS208.011</i>	<i>Support</i>	<i>Allow</i>
<i>Gary Donaldson</i>	<i>FS209.011</i>	<i>Support</i>	<i>Allow</i>
<i>Joy Donaldson</i>	<i>FS210.011</i>	<i>Support</i>	<i>Allow</i>
<i>Selwyn Lowe</i>	<i>FS211.011</i>	<i>Support</i>	<i>Allow</i>
<i>Sheryl Marie Rhind</i>	<i>FS212.011</i>	<i>Support</i>	<i>Allow</i>

<i>Stewart James Rhind</i>	<i>FS213.011</i>	<i>Support</i>	<i>Allow</i>
<i>Oparara Valley Project Trust</i>	<i>FS124.011</i>	<i>Support</i>	<i>Allow</i>
<i>Rosalie Sampson</i>	<i>FS123.011</i>	<i>Support</i>	<i>Allow</i>
<i>John Milne</i>	<i>FS225.011</i>	<i>Support</i>	<i>Allow</i>
<i>Jo-Anne Milne</i>	<i>FS226.011</i>	<i>Support</i>	<i>Allow</i>
<i>Jessie Gallagher</i>	<i>FS227.011</i>	<i>Support</i>	<i>Allow</i>
<i>Cheryl Gallagher</i>	<i>FS228.011</i>	<i>Support</i>	<i>Allow</i>
<i>Margaret Jane Milne</i>	<i>FS229.011</i>	<i>Support</i>	<i>Allow</i>
<i>Chris Lowe</i>	<i>FS238.011</i>	<i>Support</i>	<i>Allow</i>
Manawa Energy Limited (Manawa Energy) (S438)	S438.087	Support in part	Amend NFL – P1 as follows: Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not <u>significantly</u> adversely affect the values that contribute to a natural feature or landscape being outstanding and are for: a. Existing land uses and lawfully established activities including existing network utilities, <u>energy renewable electricity generation</u> activities, agricultural, horticultural and pastoral activities; b. Conservation activities; c. Recreational activities; d. Natural hazard mitigation activities; e. Operation, maintenance and upgrade of renewable electricity generation activities. f. Operation, maintenance and upgrading of network infrastructure; g. <u>Upgrading and/or Establishment of</u> new infrastructure and renewable electricity generation activities where there is a functional need for it to be located in these areas; h. Poutini Ngāi Tahu uses; or i. The alteration, maintenance or removal of existing buildings or structures. Insert descriptions of the values of all outstanding natural features and landscapes within Schedules Five and Six to enable impacts on the values to be assessed. Include accurate descriptions of the existing modifications within all outstanding natural features and landscapes within Schedules Five and Six to provide a baseline for assessment.
Department of Conservation (S602)	S602.087	Amend	Amend: Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for: a. Existing

			land uses and lawfully established activities including existing network utilities, energy activities, agricultural, horticultural and pastoral activities; b. Conservation activities; c. Recreational activities; d. <del>Natural hazard mitigation activities</del> ; e. Operation, maintenance and upgrade of renewable electricity generation facilities; f. Operation, maintenance and upgrading of network infrastructure; g. <del>Upgrading and/or new infrastructure and renewable electricity generation facilities where there is a functional need for it to be located in these areas</del> ; h. Poutini Ngāi Tahu uses; or i. The alteration, maintenance or removal of existing buildings or structures.
<i>Buller District Council</i>	<i>FS149.0114</i>	<i>Oppose</i>	<i>Disallow</i>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.161	Amend	Amend as follows: Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for...h. Poutini Ngāi Tahu <del>activities</del> -uses; or ...
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.029	Support in part	The Māori Trustee considers that the following amendment needs to be made to policy NFL P1. Amendments P1(h). Poutini Ngāi Tahu <del>and Māori landowner</del> uses;
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.451</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.282	Amend	Amend item a. Existing ..., energy activities, <u>critical infrastructure</u> , agricultural, ...:
Westpower Limited (S547)	S547.283	Amend	Amend f. Operation, ...network infrastructure, <u>energy activities and critical infrastructure</u> ;
Westpower Limited (S547)	S547.284	Amend	g. Upgrading ... new <u>energy activities and infrastructure, including critical infrastructure and renewable generation activities</u> , where there is a <u>technical, locational, functional or operational</u> constraint or requirement for it to be located in these areas;

### Analysis

99. Policy NFL – P1 sets the policy direction to support the range of Permitted Activities within ONL/F.

100. Birchfield Ross Mining Limited (S604.038), Federated Farmers of New Zealand (S524.069), Grey District Council (S608.631), Ministry of Education (S456.017), Te Mana Ora

- (S190.339), Horticulture New Zealand (S486.031), KiwiRail Holdings Limited (S442.054) and Waka Kotahi NZ Transport Agency (S450.091) support the policy. This support is noted.
101. Frida Inta (S553.081) and Buller Conservation Group (S552.081) seek that Policy NFL -P1 be deleted. These submitters consider that these activities could adversely affect the values of NFL and therefore should not be provided for. I do not support the wholesale deletion of the policy. I consider that there are a range of activities that can be undertaken in NFL that will not significantly adversely affect their values. I also consider that the WCRPS provides clear direction on this – both in 7B Policy 3 as outlined in Section 12.0 above, and in 7B Policy 4 which states:
- Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.*
102. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.046) seek an amendment that the words “do not adversely affect” are replaced with “maintain” in relation to the values that contribute to a NFL being outstanding. They are concerned that the words “do not adversely affect” have an “avoid” connotation. I support this submission as I consider the intention of the policy is clearer with the submitter’s proposed amendment.
103. Grey District Council (S608.060) seeks that Policy 1 be reworded to replace “~~where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for~~” with which have no more than minor effects. Westpower Limited (S547.281) seeks that this part of the Policy be redrafted to “allow” rather than “provide for” and that the policy be reworded to avoid, remedy or mitigate adverse effects.
104. I do not support the wording proposed by Grey District Council as I think this shifts the intent of the policy away from the values of the natural feature and landscape which is a significant feature of the policy. This policy had been drafted to reflect the WCRPS 7B Policy 2 which states.
- “Protect the values which together contribute to a natural feature or landscape being outstanding, from inappropriate subdivision, use and development.”*
105. I support the amendments of Westpower Limited in part. I do not support amending “provide for” to “allow” as I consider that this is too enabling – these activities are provided for within constraints set in the rules. I consider that the rephrasing around adverse effects on values being avoided, remedied or mitigated substantially changes the emphasis on protection of values – as required by the RPS and also do not support this amendment. I do support the inclusion of the word “together” in relation to the values as this is an important omission from the WCRPS direction.
106. Chris and Jan Coll (S559.108), Chris J Coll Surveying Limited (S566.108), Neil Mouat (S535.021), William McLaughlin (S567.189) and Laura Coll McLaughlin (S574.108) seek that this policy be amended to allow for residential activities. I do not support these submissions in relation to new residential activities.
107. While it is often entirely possible to design a residential activity so that it does not impact on the values of an ONFL, this will require careful design and implementation. I recognise that for many landowners subdivision of these lands as “bush blocks” for lifestyle properties is probably the highest and best economic use of this land. However, if significant cumulative adverse effects on the visual qualities of ONLs and the scientific qualities of ONFs are to be avoided, remedied or mitigated, I consider that resource consent assessment and appropriate conditions will be necessary. In some cases, the adverse effects may not be able to be remedied or mitigated and the ability to decline consent is also important in these situations. The list of activities provided for in the policy recognises existing uses, however I do consider that however the policy could be clearer that existing residential activities are provided for. Therefore I support these submissions in part to the extent that item a be amended to include residential activities.
108. Bathurst Resources (S491.021) seeks that item a be amended to include “mineral extraction, mineral exploration and anticipated activities in the BCZ and MINZ”. While accepting that the substantive issue around the definition of lawfully established in relation to mining activities should be is addressed in the Mineral Extraction s42A report, I support this submission in part. The definition of lawfully established is:

*means activities permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction, it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979).*

109. In the Introduction and General Provisions s42A report I have recommended that this is amended as follows:

*means buildings, structures and activities provided for by one of the following:*

*1. permitted through a rule in a plan, or*

*2. a resource consent, or.*

*3. a national environmental standard; or*

*4. a designation; or*

*5. by an existing use right (as provided for in Section 10 of the RMA); or*

*6. In the case of mineral extraction it also includes an activity permitted through a Coal Mining License issued under the Coal Mines Act (1979); and*

*does not include where the resource consent or license has expired and not been renewed.*

110. In this context I consider that the policy already provides for mineral extraction activities where these are permitted through a Coal Mining License issued under the Coal Mines Act. The definition of mineral extraction is also defined as follows:

*means the excavation, blasting, processing (crushing, screening, washing and blending), storage and distribution of mineral products and includes ancillary activities such as earthworks, landscaping and rehabilitation works and treatment of stormwater and wastewater, together with ancillary buildings and structures, maintenance and repair, vehicle movements and access within the mineral extraction and ancillary sites.*

111. This is a very wide definition as it applies to ancillary activities, and I do not consider it should be further expanded in the policy to include "mineral exploration and anticipated activities".

112. I therefore recommend accepting this submission in part and propose a different wording to that of the submitter as follows "Existing land uses and lawfully established activities including ~~existing~~ lawfully established network utilities, mineral extraction activities"..... This is made clearer by the deletion of the term "existing" and replacing this with "lawfully established" before "network utilities".

113. Birchfield Coal Mines Ltd (S601.044) and Birchfield Ross Mining Limited (S604.116) seek that the policy be amended to include a new item j "Activities with a functional or operational need to locate within these areas, including mineral extraction, exploration and prospecting". TiGa Minerals and Metals Limited (S493.058) and WMS Group (S599.063) seek similar wording. I do not support these submissions. The submitters are referring to new activities. I consider that these new activities in ONFL need to be subject to a resource consent process in order that the impacts on the values of ONFL can be assessed. While I acknowledge the constraints facing the minerals sector – in that the minerals are fixed in location, and the strategic importance of the activity to the West Coast, there is no direction within the RMA, any national direction instrument or the WCRPS that would support providing for these activities in ONFL as Permitted Activities. I am aware however that mineral exploration and prospecting can be a low impact activity and invite the submitters to provide evidence around this to the hearing.

114. Manawa Energy (S438.087) seeks that the emphasis of the wording be on not "significantly" adversely affecting values – I consider that the amendment in response to Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd's submission (S663.046) addresses the concern around this wording. Manawa Energy also seeks that the reference to "energy" activities be replaced with "renewable electricity generation" activities. I support this.

115. Manawa Energy are concerned that there is insufficient emphasis on renewable electricity generation activities. I am also concerned about the consistent use of terminology through the Plan. The various reporting planners have met to agree consistent recommendations

around the use of terms in policies. In relation to the term “energy activities” the reporting authors do not support its further use in policy or rules. All the activities within the defined term are captured by the definitions of Infrastructure, many are captured by the term “network utility operation” and with the exception of small scale generation, Regionally Significant Infrastructure.

116. The final part of this submission seeks that the words “upgrading and/or new” infrastructure and renewable electricity generation activities be amended to “~~Upgrading and/or~~ Establishment of”. I do not support this part of the submission as I consider that the relief sought from the Department of Conservation submission (S602.087), as discussed below, has merit and I recommend the entirety of point g be deleted from this policy as a consequence.
117. The Department of Conservation (S602.087) seeks two amendments to the policy. The first is to delete the reference to natural hazard mitigation activities. The second is to delete point g upgrading and/or new infrastructure or renewable electricity generation activities where there is a functional need for it to be located in these areas.
118. In relation to the issue of natural hazard mitigation activities, I consider that the TTPP should be consistent in how these are dealt with across the Plan.
119. Natural hazards mitigation activities is a defined term and includes, repair, maintenance, earthworks and the construction of new natural hazard structures. When considering this issue, I have also considered the companion rule in the Natural Hazards Chapter – NH – R2. This provides for the repair, maintenance and operation of all lawfully established natural hazard mitigation structures as a Permitted Activity. I consider that those are activities that should also be provided for as a Permitted Activity in ONF, regardless of who undertakes the work.
120. However, I support the concern of the Department of Conservation that construction of new natural hazard mitigation structures has the potential to have significant adverse effects on the values of ONFL. I have considered this matter in relation to the natural character of the riparian margins of waterbodies in that s42A report and hold a similar view as regards landscape. The Natural Hazards Chapter differentiates between natural hazard mitigation undertaken by a statutory agency – which is recommended to be defined in the Introduction and General Provisions s42A report as:  
  
*means, in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand or the Department of Conservation.*
121. In relation to the Natural Character of Waterbodies Topic, I have recommended in the s42A report that natural hazard mitigation structures, where these are constructed by a statutory agency should be treated differently to those which are constructed by private individuals. This recognises that such structures are more likely to be designed and planned considering the adverse effects on the environment when undertaken by a statutory agency as there are other checks through their design and construction process.
122. When considering the degree to which upgrading or new natural hazard mitigation structures should be provided for within an ONFL, I consider that this is a weighting of two matters of national importance – Section 6(b) and Section 6(h). The RMA does not make one or other of these matters more important.
123. In relation to this part of the submission I therefore recommend that the reference to “natural hazard mitigation activities” be altered to reflect this as follows: maintenance and repair of natural hazard mitigation structures; and upgrading of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor. This amendment would provide for existing natural hazard mitigation structures with a permissive framework – but set the framework whereby new natural hazard mitigation structures within an ONFL would require resource consent.
124. Following on from this I now turn to the matter of new infrastructure and renewable electricity generation facilities where there is a functional need for them to be located in these areas. As well as the RMA Section 6 directives I am also mindful of the NPS Renewable Energy Generation and the NPS Electricity Transmission and the direction provided in the West Coast Regional Policy Statement around Regionally Significant Infrastructure. Chapter 6 Regionally Significant Infrastructure in particular has some relevant policies as follow:

*Policy 2: Provide for the development, operation, maintenance and upgrading of new and existing RSI including renewable electricity generation activities and National Grid infrastructure.*

*Policy 3: When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

125. However, I also note the clear policy direction in the WCRPS Chapter 7B Natural Features and Landscapes and Policy 4 of that chapter:

*Policy 4 Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.*

126. In relation to new infrastructure or renewable energy generation activity, without a clear understanding of scale, or the placement, or clear parameters around this, it is hard to argue that the activity would have no more than minor adverse effects. I note that upgrading of renewable energy generation and infrastructure is provided for in items e and f and that the Department of Conservation has not opposed this. I therefore support this aspect of the Department of Conservation's submission, in that I consider that with upgrading already provided for, clauses e and f, new infrastructure and renewable energy generation activities should be excluded from this policy and clause g be deleted. Overall, I support the Department of Conservation submission in part.
127. Ngāi Tahu (S620.161) seeks an amendment to point h to refer to Poutini Ngāi Tahu activities rather than "uses". I support this as providing clarity as Poutini Ngāi Tahu Activities is a defined term.
128. Te Tumu Paeroa (S440.029) seeks that "and Māori Landowner" uses be added to clause h. I do not support this. While I acknowledge that landowners who whakapapa to Poutini Ngāi Tahu may not be registered members, I am concerned this policy directly links to a Permitted Activity Rule in relation to Poutini Ngāi Tahu Activities. This is a defined term and allows for activities that would not otherwise be permitted. The definition of Poutini Ngāi Tahu Activities enables a clear pathway for enforcement of rules, but widening this to Māori landowners who whakapapa to Poutini Ngāi Tahu would put the Councils in the position of needing to investigate the whakapapa of individual Māori landowners in enforcing Plan provisions. I do not consider this is appropriate. As I discuss further in relation to other policies, there are other policies that do not link directly to a Permitted Activity where I consider that the reference to Māori Landowners who whakapapa to Poutini Ngāi Tahu is appropriate. However, this is in relation to policies that would be assessed in relation to a resource consent, and therefore a mechanism would be available (e.g. by referral to Poutini Ngāi Tahu or Māori Land Court records) for appropriate organisations to confirm whakapapa.
129. Westpower Limited (S547.282) seeks that clause a be amended to include critical infrastructure. I support this but note as a consequential amendment from recommendations in the Energy Infrastructure and Transport s42A report that this reference should be to regionally significant infrastructure.
130. Westpower Limited (S547.283) seeks that clause f be amended to refer to "energy activities and critical infrastructure". I support this amendment in part. I do not support the reference to "energy activities" as discussed in relation to Manawa Energy's submission above but I support the inclusion of "critical infrastructure". I note that as a consequential amendment from recommendations in the Energy Infrastructure and Transport s42A report this reference should be to regionally significant infrastructure.
131. Westpower Limited (S547.284) seeks amendments to clause g seeking to expand the range of new infrastructure that is supported locating in ONFL. I do not support this submission. As discussed in relation to the submission of the Department of Conservation (S602.087) I consider that clause g is inappropriate and recommend that this be deleted, not expanded upon.

### Recommendations

132. That Policy NFL – P1 be amended as follows:

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ maintain the values that together contribute to a natural feature or landscape being outstanding and are for:

- a. Existing land uses and lawfully established activities including ~~existing~~ lawfully established residential activities, regionally significant infrastructure, network utilities, renewable energy generation activities, mineral extraction, agricultural, horticultural and pastoral activities;
- b. Conservation activities;
- c. Recreational activities;
- d. Maintenance and repair of natural hazard mitigation activities-structures;
- e. Upgrade of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor
- e. f. Operation, maintenance and upgrade of renewable electricity generation facilities;
- f. ~~g.~~ Operation, maintenance and upgrading of network infrastructure ~~and regionally significant infrastructure~~;
- g. ~~Upgrading and/or new infrastructure and renewable electricity generation facilities where there is a functional need for it to be located in these areas;~~
- h. Poutini Ngāi Tahu ~~uses~~ activities; or
- i. The alteration, maintenance or removal of existing buildings or structures.

133. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

### 8.3 Policy NFL P2

#### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Birchfield Coal Mines Ltd (S601)	S601.045	Support	Retain as notified
Birchfield Ross Mining Limited (S604)	S604.039	Support	Retain as notified
Chris & Jan Coll (S558)	S558.110	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.110	Support	Retain
KiwiRail Holdings Limited (S442)	S442.055	Support	Retain as proposed
Laura Coll McLaughlin (S574)	S574.110	Support	Retain
TiGa Minerals and Metals Limited (S493)	S493.059	Support	Retain as notified



Waka Kotahi NZ Transport Agency (S450)	S450.092	Support	Retain as proposed.
William McLaughlin (S567)	S567.190	Support	Retain
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.064	Support	Retain as notified
New Zealand Coal & Carbon Limited (S472)	S472.019	Support in part	Support ability to remedy, mitigate or offset effects of activities within ONLs and ONFs.
Buller Conservation Group (S552)	S552.213	Amend	Insert P2 as P1 to read: P1 Where possible, avoid <del>significant</del> adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where <del>significant</del> adverse effects cannot be avoided, ensure that the adverse effects <u>hierarchy is followed</u> are <del>remedied, mitigated or offset.</del>
<i>Horticulture New Zealand</i>	<i>FS55.30</i>	<i>Oppose</i>	<i>Disallow</i>
Frida Inta (S553)	S553.217	Amend	Insert P2 as P1 to read: P1 Where possible, avoid <del>significant</del> adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where <del>significant</del> adverse effects cannot be avoided, ensure that the adverse effects <u>hierarchy is followed</u> are <del>remedied, mitigated or offset.</del>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.230	Amend	Where possible, avoid <del>significant</del> adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six a. Where <del>significant</del> adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated <del>or offset.</del>
<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>FS89.072</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.340	Support in part	Amend NFL-P2 as follows: Where possible, <u>take a precautionary approach</u> to avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five, and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be

			avoided, ensure that the adverse effects are remedied, mitigated or offset <u>applying the effects management hierarchy</u> .
Manawa Energy Limited (Manawa Energy) (S438)	S438.088	Support in part	Amend NFL – P2 as follows: Where <del>possible</del> <u>practicable</u> , avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot <u>practicably</u> be avoided, ensure that such the adverse effects are remedied <u>or</u> mitigated, or <del>offset</del> compensated if appropriate.
Department of Conservation (S602)	S602.088	Amend	Amend: Where possible, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are <u>otherwise minimised</u> , remedied <del>or</del> , mitigated, <u>offset or compensated in accordance with the effects management hierarchy</u> .
<i>Buller District Council</i>	<i>FS149.0115</i>	<i>Support</i>	<i>Allow</i>
Westpower Limited (S547)	S547.285	Amend	Amend NFL P2: " <del>Where possible-practicable</del> , avoid significant adverse effects on the values that <u>together</u> contribute to ... cannot be avoided, ensure that the adverse effects are remedied, mitigated including any <u>proposed offsetting or compensation</u> ."

### Analysis

134. Birchfield Coal Mines Ltd (S601.045), Birchfield Ross Mining Limited (S604.039), Chris & Jan Coll (S558.110), Chris J Coll Surveying Limited (S566.110), KiwiRail Holdings Limited (S442.110), Laura Coll McLaughlin (S574.110), TiGa Minerals and Metals Limited (S493.110), Waka Kotahi NZ Transport Agency (S450.092), William McLaughlin (S567.190) and WMS Group (S599.064) support this policy. New Zealand Coal & Carbon Limited (S472.019) support the ability to remedy, mitigate or offset effects of activities within ONLs and ONFs. This support is noted.
135. A range of submitters seek changes to the wording of this policy. Buller Conservation Group (S552.213), Frida Inta (S553.217) and Forest and Bird (S560.230) seek that the word "significant" be removed ahead of "adverse effects". Forest and Bird seeks the deletion of the reference to offsetting. Buller Conservation Group and Frida Inta also seek this deletion and instead seek a reference to the adverse effects hierarchy. Te Mana Ora (S190.340) seeks that the policy refer to taking a precautionary approach, they also seek reference to the effects management hierarchy. Manawa Energy (S438.088) seeks that significant adverse effects be avoided "where practicable" rather than "where possible". They also seek deletion to the reference to offsetting and that this is replaced by compensation. Westpower Limited (S547.285) seeks that the "possible" be replaced with "practicable" and that compensation also be referred to. They also seek that the policy better reflect the RPS when referring to the values that they "together" contribute to. The Department of Conservation (S602.088) seeks that the effects management hierarchy be referred and that adverse effects are otherwise minimised, remedied, offset or compensated.

136. Of the various wording proposed, I prefer that of the Department of Conservation as being the most technically accurate. The effects management hierarchy now includes offsetting and compensation, so I do not support the deletion of "offset" or the replacement of it with just with "compensation". Both terms are appropriate, in the correct context. I support the use of the words "otherwise minimised" in this policy as describing intention and note that I have recommended a definition for "minimise" in the Introduction and General Provisions s42A report.
137. I do not support the deletions of the word "significant" in front of adverse effects. I refer again to Policies 3 and 4 of Chapter 7B of the WCRPS. There are appropriate activities, and these can have effects that have "no more than minor adverse effects". Therefore, the intention is not to avoid all adverse effects, but to manage these through the effects management hierarchy.
138. In relation to "where possible" vs "where practicable" I have considered the difference between these two terms. Manawa Energy argue that the term "practicable" is used in other parts of the Plan and in the West Coast Regional Policy Statement as well as other higher order documents. Practicable means that something is feasible or capable to be done, and I consider that this is the most appropriate term in this instance.
139. In relation to the use of the "precautionary approach" as proposed by Te Mana Ora, I consider that this is most appropriate where the effects of an activity are not known or uncertain. The ONFL rules regulate earthworks and structures within these features. I consider that the adverse effects of earthworks and structures on landscape values are reasonably certain and understood and therefore inclusion of a reference to the "precautionary approach" is not appropriate in this policy.
140. In relation to Westpower Limited's submission to include the word "together" in relation to the values. While this is more consistent with the wording in the WCRPS, using it in this context could mean that significant effects on one value are considered acceptable. That is note the intent of the policy, therefore I do not support this submission.

### Recommendations

141. That Policy NFL – P2 be amended as follows:

Where ~~possible~~ practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are otherwise minimised, remedied, mitigated ~~or~~ offset or compensated in accordance with the effects management hierarchy.

142. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.4 Policy NFL P3

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.047	Support	Retain provision as notified
Chris & Jan Coll (S558)	S558.111	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.111	Support	Retain
Claire & John West (S506)	S506.005	Support	Retain as notified

Federated Farmers of New Zealand (S524)	S524.070	Support	Retain as notified
Joel and Jennifer Watkins (S565)	S565.007	Support	Retain
KiwiRail Holdings Limited (S442)	S442.056	Support	Retain as proposed
Laura Coll McLaughlin (S574)	S574.111	Support	Retain
Lauren Nyhan & Anthony Phillips (S533)	S533.005	Support	Retain as notified
Manawa Energy Limited (Manawa Energy) (S438)	S438.089	Support	Retain NFL-P3 as notified.
Russell and Joanne Smith (S477)	S477.005	Support	Retain as notified
Stewart & Catherine Nimmo (S559)	S559.005	Support	Retain as notified
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.341	Support	Retain policy.
Tim and Phaedra Robins (S579)	S579.007	Support	Retain
Tim Macfarlane (S482)	S482.005	Support	Retain as notified
William McLaughlin (S567)	S567.191	Support	Retain
Birchfield Coal Mines Ltd(S601)	S601.046	Amend	Amend NFL P3 as follows: Recognise that there are settlements, farms, <u>minerals extraction, exploration and prospecting</u> , and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected.
Birchfield Ross Mining Limited (S604)	S604.040	Amend	Amend NFL P3 as follows: Recognise that there are settlements, farms, <u>minerals extraction, exploration and prospecting</u> , and infrastructure located within outstanding natural landscapes ...
TiGa Minerals and Metals Limited (S493)	S493.060	Amend	Amend as follows: Recognise that there are settlements, farms, <u>minerals extraction</u> ,

			<u>exploration and prospecting</u> , and infrastructure located ...
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.065	Amend	Amend NFL P3 as follows: Recognise that there are settlements, farms, <u>minerals extraction, exploration and prospecting</u> , and infrastructure located within outstanding natural landscapes ...
<i>Karamea Community Incorporated</i>	<i>FS125.013</i>	<i>Support</i>	<i>Allow</i>
<i>William McLaughlin</i>	<i>FS148.013</i>	<i>Support</i>	<i>Allow</i>
<i>Catherine Jane Smart-Simpson</i>	<i>FS155.012</i>	<i>Support</i>	<i>Allow</i>
<i>Catherine Jane Smart-Simpson</i>	<i>FS155.012</i>	<i>Support</i>	<i>Allow</i>
<i>Nathan Simpson</i>	<i>FS156.012</i>	<i>Support</i>	<i>Allow</i>
<i>Geoff Volckman</i>	<i>FS157.012</i>	<i>Support</i>	<i>Allow</i>
<i>Kathleen Beveridge</i>	<i>FS158.012</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Beveridge</i>	<i>FS159.012</i>	<i>Support</i>	<i>Allow</i>
<i>Frans Volckman</i>	<i>FS160.012</i>	<i>Support</i>	<i>Allow</i>
<i>Tom Murton</i>	<i>FS161.012</i>	<i>Support</i>	<i>Allow</i>
<i>Maryann Volckman</i>	<i>FS162.012</i>	<i>Support</i>	<i>Allow</i>
<i>Kylie Volckman</i>	<i>FS163.012</i>	<i>Support</i>	<i>Allow</i>
<i>Barbara Bjerring</i>	<i>FS164.012</i>	<i>Support</i>	<i>Allow</i>
<i>Brian Patrick Jones</i>	<i>FS165.012</i>	<i>Support</i>	<i>Allow</i>
<i>Bryan Rhodes</i>	<i>FS166.012</i>	<i>Support</i>	<i>Allow</i>
<i>Frank Bjerring</i>	<i>FS167.012</i>	<i>Support</i>	<i>Allow</i>
<i>Jane Garrett</i>	<i>FS168.012</i>	<i>Support</i>	<i>Allow</i>
<i>Allwyn Gourley</i>	<i>FS169.012</i>	<i>Support</i>	<i>Allow</i>
<i>Bevan Langford</i>	<i>FS170.012</i>	<i>Support</i>	<i>Allow</i>
<i>Shaun Rhodes</i>	<i>FS171.012</i>	<i>Support</i>	<i>Allow</i>
<i>Jack Simpson</i>	<i>FS172.012</i>	<i>Support</i>	<i>Allow</i>
<i>Roger Gibson</i>	<i>FS173.012</i>	<i>Support</i>	<i>Allow</i>
<i>Rachel Shearer</i>	<i>FS174.012</i>	<i>Support</i>	<i>Allow</i>
<i>Gareth Guglebreten</i>	<i>FS175.012</i>	<i>Support</i>	<i>Allow</i>
<i>Charlotte Aitken</i>	<i>FS176.012</i>	<i>Support</i>	<i>Allow</i>
<i>Glen Kingan</i>	<i>FS177.012</i>	<i>Support</i>	<i>Allow</i>
<i>Hayden Crossman</i>	<i>FS178.012</i>	<i>Support</i>	<i>Allow</i>
<i>Susan Waide</i>	<i>FS179.012</i>	<i>Support</i>	<i>Allow</i>
<i>Desirae Bradshaw</i>	<i>FS180.012</i>	<i>Support</i>	<i>Allow</i>

<i>Andrew Bruning</i>	<i>FS181.012</i>	<i>Support</i>	<i>Allow</i>
<i>Marty Syron</i>	<i>FS182.012</i>	<i>Support</i>	<i>Allow</i>
<i>Kelvin Jeff Neighbours</i>	<i>FS183.012</i>	<i>Support</i>	<i>Allow</i>
<i>J &amp; M Syron Farms</i>	<i>FS184.012</i>	<i>Support</i>	<i>Allow</i>
<i>Michelle Joy Stevenson</i>	<i>FS185.012</i>	<i>Support</i>	<i>Allow</i>
<i>Marnie Stevenson</i>	<i>FS186.012</i>	<i>Support</i>	<i>Allow</i>
<i>Sophie Fox</i>	<i>FS187.012</i>	<i>Support</i>	<i>Allow</i>
<i>Ed Tinomana</i>	<i>FS188.012</i>	<i>Support</i>	<i>Allow</i>
<i>Dave Webster</i>	<i>FS189.012</i>	<i>Support</i>	<i>Allow</i>
<i>Aidan Corkill</i>	<i>FS190.012</i>	<i>Support</i>	<i>Allow</i>
<i>Shanae Douglas</i>	<i>FS191.012</i>	<i>Support</i>	<i>Allow</i>
<i>Danielle O'Toole</i>	<i>FS192.012</i>	<i>Support</i>	<i>Allow</i>
<i>Aimee Milne</i>	<i>FS193.012</i>	<i>Support</i>	<i>Allow</i>
<i>Michael O'Regan</i>	<i>FS194.012</i>	<i>Support</i>	<i>Allow</i>
<i>Neal Gallagher</i>	<i>FS195.012</i>	<i>Support</i>	<i>Allow</i>
<i>Arthur Neighbours</i>	<i>FS196.012</i>	<i>Support</i>	<i>Allow</i>
<i>Mat Knudsen</i>	<i>FS197.012</i>	<i>Support</i>	<i>Allow</i>
<i>Brendon Draper</i>	<i>FS198.012</i>	<i>Support</i>	<i>Allow</i>
<i>Matthew Thomas</i>	<i>FS199.012</i>	<i>Support</i>	<i>Allow</i>
<i>Philip O'Connor</i>	<i>FS200.012</i>	<i>Support</i>	<i>Allow</i>
<i>Tracy Moss</i>	<i>FS201.012</i>	<i>Support</i>	<i>Allow</i>
<i>James Dunlop Stevenson</i>	<i>FS202.012</i>	<i>Support</i>	<i>Allow</i>
<i>Murray Aitken</i>	<i>FS203.012</i>	<i>Support</i>	<i>Allow</i>
<i>Joel Hands</i>	<i>FS204.012</i>	<i>Support</i>	<i>Allow</i>
<i>Peter Hands</i>	<i>FS205.012</i>	<i>Support</i>	<i>Allow</i>
<i>Patrick John Hands</i>	<i>FS206.012</i>	<i>Support</i>	<i>Allow</i>
<i>Jackie O'Connor</i>	<i>FS207.012</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Douglas</i>	<i>FS208.012</i>	<i>Support</i>	<i>Allow</i>
<i>Gary Donaldson</i>	<i>FS209.012</i>	<i>Support</i>	<i>Allow</i>
<i>Joy Donaldson</i>	<i>FS210.012</i>	<i>Support</i>	<i>Allow</i>
<i>Selwyn Lowe</i>	<i>FS211.012</i>	<i>Support</i>	<i>Allow</i>
<i>Sheryl Marie Rhind</i>	<i>FS212.012</i>	<i>Support</i>	<i>Allow</i>
<i>Stewart James Rhind</i>	<i>FS213.012</i>	<i>Support</i>	<i>Allow</i>
<i>Oparara Valley Project Trust</i>	<i>FS124.012</i>	<i>Support</i>	<i>Allow</i>

<i>Rosalie Sampson</i>	<i>FS123.012</i>	<i>Support</i>	<i>Allow</i>
<i>John Milne</i>	<i>FS225.012</i>	<i>Support</i>	<i>Allow</i>
<i>Jo-Anne Milne</i>	<i>FS226.012</i>	<i>Support</i>	<i>Allow</i>
<i>Jessie Gallagher</i>	<i>FS227.012</i>	<i>Support</i>	<i>Allow</i>
<i>Cheryl Gallagher</i>	<i>FS228.012</i>	<i>Support</i>	<i>Allow</i>
<i>Margaret Jane Milne</i>	<i>FS229.012</i>	<i>Support</i>	<i>Allow</i>
<i>Chris Lowe</i>	<i>FS238.012</i>	<i>Support</i>	<i>Allow</i>
Horticulture New Zealand (S486)	S486.032	Support in part	Amend NFL-P3 by deleting 'farms' and replacing with 'rural production activities'.
Straterra (S536)	S536.051	Amend	Insert, "land uses" after the word "farms"
Terra Firma Mining Limited (S537)	S537.015	Support in part	Amend NFL-P3: Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or features are <u>maintained or enhanced</u> not adversely affected.
Department of Conservation (S602)	S602.089	Amend	Amend: Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and <del>provide for</del> <u>allow</u> new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected
<i>Buller District Council</i>	<i>FS149.0116</i>	<i>Support</i>	<i>Allow</i>
Westpower Limited (S547)	S547.286	Amend	Amend: Recognise that there are settlements, farms, <u>energy activities</u> and infrastructure, <u>including critical infrastructure</u> , located within outstanding natural landscapes or outstanding natural features and <del>provide for</del> <u>allow</u> new activities and existing uses in these areas where <u>adverse effects on the values that together</u> contribute to the outstanding natural landscape or feature are <u>avoided, remedied or mitigated</u>
Waka Kotahi NZ Transport Agency(S450)	S450.093	Support in part	Amend the sentence structure of the policy to provide clarity.

### Analysis

143. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.047), Chris & Jan Coll (S558.111), Chris J Coll Surveying Limited (S566.111), Claire & John West (S506.005), Federated Farmers of New Zealand (S524.070), Joel and Jennifer Watkins (S565.007), KiwiRail Holdings Limited (S442.056), Laura Coll McLaughlin (S574.111), Lauren Nyhan & Anthony Phillips (S533.005), Manawa Energy (S438.089), Russell and Joanne Smith



(S477.005), Stewart & Catherine Nimmo (S559.005), Te Mana Ora (S190.341), Tim and Phaedra Robins (S579.007) and Tim Macfarlane (S482.005) support this policy. This support is noted.

144. Birchfield Coal Mines Ltd (S601.046), Birchfield Ross Mining Limited (S604.040), TiGa Minerals and Metals Limited (S493.060) and WMS Group (S599.065) all seek that "minerals extraction, exploration and prospecting" be added to the list of activities occurring in ONFL. Horticulture New Zealand (S486.032) seeks that "farms" be replaced with "rural production activities". Straterra (S536.051) seeks that the words "land uses" be added after "farms". I do not support the submissions that seek to add to the lists of activities that already occur in ONFL. The policy is intended to recognise there are existing activities and land uses and give examples, not be exhaustive. Rather than expand the list I support the Straterra approach of adding "land uses" and would suggest that "other activities" would capture those matters sought by the other submitters.
145. Terra Firma Mining Limited (S537.015) seeks that the policy be amended so that ONFL are "maintained or enhanced" rather than "not adversely affected". I support this amendment in that it better reflects the intent of the WCRPS and the specific provision for not more than minor adverse effects in that direction.
146. The Department of Conservation (S602.089) seeks that "provide for" be replaced with "allow" in relation to new activities and existing uses. Westpower Limited (S547.286) ask for a similar amendment. I support this amendment as it better reflects the directives in higher order documents.
147. Westpower Limited (S547.286) also seeks that the policy be amended to specifically refer to energy activities and critical infrastructure. I do not support this. The policy is intended to recognise there are existing activities and land uses and give examples, not be exhaustive. I consider the amendments I have already proposed to refer to "land uses" and "other activities" is sufficient. I also note that given the definition of "infrastructure" this already covers most of the activities included in energy activities and critical infrastructure. As is discussed under Policy NFL – P1 in section 8.2, the s42A reporting authors have met and agreed that because of the extensive duplication of activities within the different definitions, the term "energy activities" is not supported within provision drafting in the Plan.
148. Waka Kotahi (S450.093) seeks that the sentence structure of the policy be amended to provide clarity. I support this and consider that the amendments I recommend will achieve this outcome.

### **Recommendations**

149. That Policy NFL – P3 be amended as follows:  
 Recognise that there are settlements, farms, land uses, and infrastructure and other activities located within outstanding natural landscapes features or outstanding natural landscapes features and provide for allow new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected maintained or enhanced.
150. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## **8.5 Policy NFL – P4**

### **Submissions**

<b>Submitter Name /ID</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
Chris & Jan Coll (S558)	S558.112	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.112	Support	Retain



Laura Coll McLaughlin (S574)	S574.112	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.342	Support	Retain policy.
William McLaughlin (S567)	S567.192	Support	Retain
Waka Kotahi NZ Transport Agency (S450)	S450.094	Support	Retain as proposed.
Transpower New Zealand Limited (S299)	S299.080	Oppose in part	Clarify the term 'minimise' and that the policy does not apply to the National Grid.
Buller Conservation Group (S552)	S552.082	Amend	Insert <u>d Landscaping buildings and structures with appropriate vegetation to soften outlines</u>
Frida Inta (S553)	S553.082	Amend	Insert <u>d Landscaping buildings and structures with appropriate vegetation to soften outlines</u>
Department of Conservation (S602)	S602.090	Amend	Amend: Require that new buildings <u>and</u> structures within outstanding natural features or landscapes minimise any adverse visual effects by: Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; Using naturally occurring building platforms, materials and colour that blends into the landscape <u>and</u> <u>limits landform modification through earthworks</u> ; and Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
Manawa Energy Limited (Manawa Energy) (S438)	S438.090	Support in part	Require that new buildings, structures within outstanding natural features or landscapes <del>minimise</del> <u>manage</u> any adverse visual effects by: Ensuring the scale, design and materials of the building and/or structure are appropriate in the location <u>where practicable</u> ; Using naturally occurring building platforms, materials and colour that blends into the landscape <u>where practicable</u> ; and <del>Limiting</del> <u>Reducing</u> the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
Westpower Limited (S547)	S547.288	Amend	Amend as follows: Require that new buildings, structures within outstanding natural features or landscapes <del>minimise</del> <u>avoid, remedy or mitigate</u> any adverse visual effects by: Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; Using naturally

			<p>occurring building platforms, materials and colour that blends into the landscape ; and Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape <u>as far as practicable</u>.</p> <p>Add new d. <u>Providing for the technical, locational, functional or operational needs of energy activities and infrastructure, including critical infrastructure when implementing items a.-c.</u></p>
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### Analysis

151. Chris & Jan Coll (S558.112), Chris J Coll Surveying Limited (S566.112), Laura Coll McLaughlin (S574.112), Te Mana Ora (S190.342), William McLaughlin (S567.192) and Waka Kotahi (S450.094) support this policy. This support is noted.
152. Buller Conservation Group (S552.082) and Frida Inta (S553.082) seek the addition of an item d. Landscaping buildings and structures with appropriate vegetation to soften outlines. I support this addition as being a useful and practicable mitigation measure for many structures.
153. Department of Conservation (S602.090) correct an error – a missing “and” and also seek reference to the limitation of landform modification through earthworks. I consider this is appropriate. Landform modification can have significant adverse effects on some of the values that may make an ONFL significant.
154. Manawa Energy (S438.090) seeks that the policy require that adverse visual effects be “managed” rather than “minimised”, that items a and b be applied “where practicable”. Manawa Energy also seeks that item c be amended from “limiting” to “reducing” the prominence of buildings and structures. Transpower New Zealand Limited (S299.080) seeks that the term “minimise” be clarified, and that that the policy does not apply to the national grid. Westpower Limited (S547.288) seeks to “avoid, remedy or mitigate” rather than “minimise” adverse effects. They also seek that item c be undertaken “where practicable”. Westpower Limited also seeks an addition item d which specifically relates to energy activities and infrastructure.
155. In relation to the use of the term minimise I have proposed a definition in the Introduction and General Provisions s42A report as follows:
- Minimise: means to reduce to the smallest amount reasonably practicable.*
156. However, I agree that in this context “minimise” is not the appropriate term. I prefer the Westpower Limited proposal of “avoid, remedy or mitigate” to “manage” as this is more clearly understood.
157. I do not consider that some sort of wholesale exemption for infrastructure providers is appropriate. However, I do recognise the functional and operational needs of these providers that may require infrastructure to locate in ONFLs – particularly in South Westland and around the Paparoa Ranges. Rather than the wording proposed by Westpower as item d, I recommend that the policy reference that avoiding, remedying or mitigating the adverse visual effects “including” by these methods and that there be the addition of a sentence at the end of the policy “where these mitigation measures are practicable”.
158. In terms of “limiting” vs “reducing” and the height of buildings, the rules contain specific height limits for activities, and I consider this is appropriate. I do not support this proposed amendment.

### Recommendations

159. Amend Policy NFL – P4 as follows:

Require that new buildings and structures within outstanding natural features or landscapes minimise avoid, remedy or mitigate any adverse visual effects including by:

- a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;
- b. Using naturally occurring building platforms, materials and colour that blends into the landscape;
- c. limiting landform modification through earthworks; and
- d. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; and
- e. Landscaping buildings and structures with appropriate vegetation to soften outlines

where these mitigation measures are practicable.

160. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.6 Policy NFL – P5

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
KiwiRail Holdings Limited (S442)	S442.057	Support	Retain as proposed
Laura Coll McLaughlin (S574)	S574.113	Support	Retain
William McLaughlin (S567)	S567.193	Support	Retain
Chris & Jan Coll (S558)	S558.113	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.113	Support	Retain
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.162	Support	Retain as notified.
Transpower New Zealand Limited (S299)	S299.081	Support	Retain this policy
Waka Kotahi NZ Transport Agency (S450)	S450.095	Support in part	Retain as proposed.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.231	Amend	Amend as follows: <u>When determining whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:</u>  <del>Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters</del>

			<del>when assessing proposals for land use or subdivision</del>
Terra Firma Mining Limited (S537)	S537.016	Support in part	Amend the first sentence of NFL- P5 to read as follows: When assessing the adverse effects of proposals for land use or subdivision on outstanding natural landscapes and outstanding natural features, take the following matters into account:
Minerals West Coast (S569)	S569.013	Amend	Amend to replace the word “minimise” by the effects management hierarchy
Manawa Energy Limited (Manawa Energy) (S438)	S438.091	Support in part	Retain Clauses e, h of NFL – P5 as notified. Amend the first sentence of the policy as follows: <u>Minimise Manage</u> adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision...
Westpower Limited (S547)	S547.289	Amend	Amend: Avoid, remedy or mitigate <del>Minimise</del> adverse effects on outstanding natural ... for land use or subdivision: ..
Bathurst Resources Limited and BT Mining Limited (S491)	S491.022	Amend	Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: ... k. <u>The extent to which an activity or structure is lawfully established.</u>
Joel and Jennifer Watkins (S565)	S565.020	Amend	Include as additional text: a. <u>Are existing lawfully established structures or sites;</u>
Birchfield Coal Mines Ltd (S601)	S601.047	Amend	Amend NFL P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. ... <u>d. The temporary, short term or permanent nature of any adverse effects;</u>
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.066	Support	Amend NFL P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. ... <u>d. The temporary, short term or permanent nature of any adverse effects;</u>
Birchfield Ross Mining Limited (S604)	S604.041	Amend	Amend NFL P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. ... <u>d. The temporary, short</u>

			<u>term</u> or permanent nature of any adverse effects;
TiGa Minerals and Metals Limited (S493)	S493.061	Amend	Amend NFL P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. ...; d. The temporary, <u>short term</u> or permanent nature of any adverse effects;
Department of Conservation (S602)	S602.091	Amend	Amend: Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision: a. <u>Whether an assessment of alternatives has been provided</u> ; b. <u>Whether the assessment of effects on outstanding natural landscape and outstanding natural feature values is in accordance with the effects management hierarchy</u> ; c. <u>The nature, scale and extent of modification to the landscape or feature</u> ; d. ...k. <u>Management of effects on amenity, recreation, historical and biodiversity values</u> ; ...
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.036</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Buller District Council</i>	<i>FS149.0117</i>	<i>Support</i>	<i>Allow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited</i>	<i>FS231.037</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Birchfield Coal Mines Ltd</i>	<i>FS232.044</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.343	Support in part	Amend NFL-P5 as follows: Minimise adverse effects on outstanding natural landscapes and outstanding natural features <u>by taking a precautionary approach</u> and considering the following matters: a....e. The functional, technical, operational, or locational need of any activity to be sited in the particular location, <u>considering if there is no practicable alternative location or every other practicable alternative location would have adverse effects on the natural environment that is greater than, or equal to the proposed location</u> ;
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.035</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited</i>	<i>FS231.036</i>	<i>Oppose</i>	<i>Disallow</i>

Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.030	Support in part	The Māori Trustee considers that the following amendment needs to be made to policy NFL P5. Amendments P5(f). Any historical, spiritual or cultural association held by Poutini Ngāi Tahu <u>and Māori landowners</u> ;
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.453</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.290	Amend	Consider amending items "a.-d." to reflect Policy 3, Chapter 7B, RPS wording.
Westpower Limited (S547)	S547.291	Amend	Amend: e. The functional, technical, operational or locational <u>constraints or requirements</u> need of any activity needing to be sited in the particular location.
Westpower Limited (S547)	S547.292	Amend	Consider amending j. to remove items i.-iii
Buller Conservation Group (S552)	S552.083	Amend	a The scale of modification to the landscape, <u>including any adverse effects on natural character</u> ; h. Any positive effects <u>on identified characteristics and qualities</u> at a regional and local level;
Frida Inta (S553)	S553.083	Amend	a The scale of modification to the landscape, <u>including any adverse effects on natural character</u> ; h. Any positive effects <u>on identified characteristics and qualities</u> at a regional and local level;

### Analysis

161. KiwiRail Holdings Limited (S442.057), Laura Coll McLaughlin (S574.113), William McLaughlin (S567.193), Chris & Jan Coll (S558.113), Chris J Coll Surveying Limited (S566.113), Ngāi Tahu (S620.162), Transpower New Zealand Limited (S299.081), and Waka Kotahi (S450.095) support this policy. This support is noted.
162. Forest and Bird (S560.231) seeks that the first part of the policy be replaced to clarify that this is an assessment criteria policy and propose new wording. Terra Firma Mining Limited (S537.016) seeks a similar amendment. Minerals West Coast (S569.013) seeks that the term "minimise" be replaced by the effects management hierarchy. Manawa Energy (S438.091) seeks that this be replaced with "manage". Westpower Limited (S547.289) seeks that "minimise" is replaced with "avoid, remedy or mitigate".
163. In this matter I support the submissions of Forest and Bird and Terra Firma Mining Limited in replacing the text and refocusing it. Of the two alternatives proposed, I prefer the Forest and Bird wording, with an amendment to refer to "assessing" rather than "determining" as follows providing the clearest wording:
- When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:
164. Bathurst Resources (S491.022) seeks the addition of an item k. "The extent to which an activity or structure is lawfully established". A similar submission is made by Joel and Jennifer Watkins (S565.020). I support these submission points and the proposed Bathurst Resources amendment, as I consider it helps implement the intent of Policy NFL – P3, recognising the extent of existing and lawful activities within ONFL.

165. Birchfield Coal Mines Ltd (S601.047), TiGa Minerals and Metals Limited (S493.061), WMS Group (S599.066) and Birchfield Ross Mining Limited (S604.041) seek that item d be amended to include the words "short term". While I consider that "short term" is a subset of "temporary" it can often be interpreted as meaning only a small number of days or weeks. I therefore agree that including "short term" recognises that some adverse effects could occur for a longer period of time – for example until screening vegetation has grown, but not be permanent.
166. Department of Conservation (S602.091) seeks the addition of three additional items to this policy and the amendment of one. The first is around an assessment of alternatives, the second in terms of whether the assessment of effects is in accordance with the effects management hierarchy. I do not support the inclusion of these two matters. I consider that an assessment of alternatives is a requirement under the RMA where there are significant adverse effects on ONFL. I have considered this matter carefully in my right of reply to the Introduction and General Provisions s42A report and have recommended that the following advice note be attached to Rules NFL – R11 and NFL – R12 as a consequence:

*Advice Note: Where the activity could result in significant adverse effects on RMA s6 Matters of National Importance, then any resource consent application will require an assessment of alternative locations and/or methods for the activity as required by Schedule 4 of the RMA.*

167. I do not consider that such an advice note is necessary in relation to the application of the effects management hierarchy. This is a basic part of any assessment under the RMA, and other policies in this chapter will refer to this.
168. In terms of the third item "management of effects on amenity, recreation, historical and biodiversity values" I support the inclusion of this matter as ONFLs on the West Coast will have many of these values alongside their landscape values. Indeed the amenity, recreation, historical and biodiversity values may well be a significant contributor to the values that make the ONFL outstanding.
169. In relation to the last part of this submission point, the Department of Conservation seeks that additional words referring to the "nature" and "extent" of modification be included, and also seeks a correction to include reference to features as well as landscapes. I support this part of the submission as these amendments correct an error, as well as better capture the ways in which modifications to ONFL could have adverse effects on their values.
170. Te Mana Ora (S190.343) seeks some amendments to the first part of the policy. I do not support these and prefer the rewriting of this part of the policy as proposed by Forest and Bird and discussed above. Te Mana Ora also seeks the addition of further text at the end of item e (functional, technical, operational, locational need) as follows: considering if there is no practicable alternative location or every other practicable alternative location would have adverse effects on the natural environment that is greater than, or equal to the proposed location. This is similar to the amendment proposed by the Department of Conservation S603.091 also discussed above. I do not support the inclusion of the additional text but consider that the proposed advice note addresses the intent of the submission, which I therefore support in part.
171. Te Tumu Paeroa (S440.030) seeks that item f refer to the historical, spiritual or cultural association held by Poutini Ngāi Tahu and Māori Landowners. I discussed the difference between Māori Landowners and Poutini Ngāi Tahu in detail in the Introduction and General Provisions s42A report. However I do acknowledge that Māori Landowners can whakapapa to Poutini Ngāi Tahu while not being registered with the iwi and indeed may have been in continuous ownership of their land since before Te Tiriti was signed. I therefore consider that this addition is appropriate in relation to this particular policy where this whakapapa relationship is in place.
172. Westpower Limited (S547.290) seeks that items "a – d" be amended to reflect the Policy 3, Chapter 7B WCRPS wording. This policy states:

*When determining if an activity is appropriate, the following matters must be considered:*

*a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;*



*b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;*

*c) The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;*

*d) The resilience of the outstanding natural feature or landscape to change;*

*e) Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape*

173. I do not consider it necessary or appropriate replace the matters in the TTPP policy with the WCRPS policy wording. The TTPP must give effect to the RPS – and in this case Policy NFL – P5 is attempting to assist the planner assessing an application in some more practical detail on the matters that they need to look at in the case of an individual consent. I consider that Policy NFL – P5 provides more detail than the RPS policy which is more helpful in application.
174. Westpower Limited (S547.291) seeks that item e be amended to better reflect the wording in the WCRPS in relation to the functional, technical, operational or locational constraints or requirements. These wording differences were discussed at length at the Introduction and General Provisions hearing and are the subject of further technical evidence from submitters as well as comment in my right of reply for that hearing. I have taken a consistent approach in my recommendations around this in subsequent s42A reports. I consider that the correct phrase is therefore “the functional need or operational need of any activity to be sited in the particular location”. Since this is not the relief sought by the submitter, I do not support this submission.
175. Westpower Limited (S547.292) seeks that parts i-iii be removed from item j as this is not an exhaustive list and the matters are covered in previous policies – specifically NFL – P4. I support this submission as I consider this is a duplication of NFL – P4.
176. Buller Conservation Group (S552.083) and Frida Inta (S553.083) seek amendments to items a and h. They seek the inclusion of a reference to natural character within item a. I acknowledge that this is a significant contributor to what might make a landscape outstanding – but it is only one of a number of values and I consider would be better included as an amendment to the new item i. I recommend for inclusion in response to the Department of Conservation’s submission. In relation to the proposed amendments to item h, positive effects on identified characteristics and qualities are already included in item g, so this would be a duplication. Item h is intended to focus on other, non landscape positive effects – such as contributions to renewable energy generation or other matters provided for in national or regional direction.

### **Recommendations**

177. That Policy NFL – P5 be amended as follows:

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:

- a. The nature, scale and extent of modification to the landscape;
- b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;
- c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;
- d. The temporary, short term or permanent nature of any adverse effects;
- e. The functional, technical, operational or locational need of any activity to be sited in the particular location;
- f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu or Māori landowners who whakapapa to Poutini Ngāi Tahu;



- g. Any positive effects the development has on the identified characteristics and qualities;
- h. Any positive effects at a national, regional and local level;
- i. Any relevant public safety considerations; and
- j. The measures proposed to mitigate the effects on the values and characteristics, including:
  - i. ~~The location, design and scale of any buildings or structures, or earthworks;~~
  - ii. ~~The intensity of any activity; and~~
  - iii. ~~The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~
- k. The extent to which an activity or structure is lawfully established; and
- l. The management of effects on natural character, amenity, recreation, historical and biodiversity values

178. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.7 Policy NFL -P6

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
William McLaughlin (S567)	S567.194	Support	Retain
Chris & Jan Coll (S558)	S558.114	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.114	Support	Retain
Laura Coll McLaughlin (S574)	S574.114	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.344	Support	Retain policy.
Buller Conservation Group (S552)	S552.084	Amend	Amend: <u>Subject to policies 1 - 5, e</u> Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature.
Frida Inta (S553)	S553.084	Amend	Amend: <u>Subject to policies 1 - 5, e</u> Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises

			adverse effects on the outstanding values of the landscape or feature.
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.163	Amend	Amend as follows: Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features <u>by not applying the overlay</u> where land use and subdivision is consistent with tikanga and mātauranga Māori <u>as outlined within an Iwi Management Plan and minimises adverse effects on the outstanding values of the landscape or feature.</u>  Amend other provisions in the plan to reflect this approach where these or similar overlays apply.

### Analysis

179. William McLaughlin (S567.194), Chris & Jan Coll (S558.114), Chris J Coll Surveying Limited (S566.114), Laura Coll McLaughlin (S574.114), Te Mana Ora (S190.344) support Policy NFL – P5. This support is noted.
180. Buller Conservation Group (S552.084) and Frida Inta (S553.084) seek that the policy be amended to say that it is subject to policies 1 – 5. I do not support these submissions. S6 Matters of National Importance do not have greater or lesser weight over each other – in other words the 6(b) requirement for protection of ONFL is not more important than the 6(e). requirement around relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Alongside this there is also the Section 8 requirement of the RMA and the requirement to take into account the principles of the Treaty of Waitangi. I consider that the framework set up in the policy (and rules) of the NFL chapter balances these two Section 6 requirements and is in accordance with those Treaty principles.
181. Ngāi Tahu (S620.163) seeks an amendment to the Policy to specifically state that the overlay will not be applied and a specific reference to the Iwi Management Plan. I support this submission in part as this will help achieve Part 2 provisions of the Act. In this I recognise that since the Plan was drafted and the submissions made, the NPSIB has come into effect. While this is a national direction instrument around indigenous vegetation, in practice, all of the ONLs (though only some of the ONFs) are located on land covered in indigenous vegetation – most of which is likely to also meet the criteria for an SNA. So this is an important area for integrated management.
182. The NPSIB has specific provisions for “specified Māori Land”. I consider that the approach to ONLs and SNAs should parallel each other in relation to “specified Māori Land” as the ECO chapter addresses the indigenous vegetation clearance issue within ONFL.
183. I suggest that Māori Purpose Zoned land be also identified as “specified Māori land” in terms of the NPSIB. As is also discussed in that section, the Pāpatipu Rūnanga/Iwi Management Plan is a key management tool for ONFL and biodiversity values for these areas, and this also applies to natural character and the Coastal Environment. I therefore propose that rather than use of the term “by not identifying the overlay” as proposed by Ngāi Tahu, instead using the words “by identifying this as specified Māori land”.

### Recommendations

184. That policy NFL – P6 be amended as follows:

Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features by identifying this as specified Māori land where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature as outlined within an Iwi/Papatipu Rūnanga Management Plan.

185. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.8 Policy NFL – P7

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Chris & Jan Coll (S558)	S558.115	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.115	Support	Retain
Laura Coll McLaughlin (S574)	S574.115	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.345	Support	Retain policy.
William McLaughlin (S567)	S567.195	Support	Retain
Frida Inta (S553)	S553.085	Amend	<u>Subject to policies 1 - 5, eEnable</u>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.187</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.085	Amend	<u>Subject to policies 1 - 5, eEnable</u>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.186</i>	<i>Oppose</i>	<i>Disallow</i>
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.031	Support in part	The Māori Trustee considers that the following amendment needs to be made to policy NFL P7. Amendments P7. Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu <u>and Māori landowners</u> and opportunities for Poutini Ngāi Tahu <u>and Māori landowners</u> to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o</i>	<i>FS41.455</i>	<i>Oppose</i>	<i>Disallow</i>

<i>Makaawhio and Te Rūnanga o Ngāi Tahu</i>			
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### Analysis

186. Chris & Jan Coll (S558.115), Chris J Coll Surveying Limited (S566.115), Laura Coll McLaughlin (S574.115), Te Mana Ora (S190.345) and William McLaughlin (S567.195). support this policy. This support is note.
187. Frida Inta (S553.085) and Buller Conservation Group (S552) seek that the policy be amended to make it subject to policies 1-5. I do not support these submissions. S6 Matters of National Importance do not have greater or lesser weight over each other – in other words the 6(b) requirement for protection of ONFL is not more important than the 6(e) requirement around relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Alongside this there is also the Section 8 requirement of the RMA and the requirement to take into account the principles of the Treaty of Waitangi. I consider that the framework set up in the policy (and rules) of the NFL chapter balances these two Section 6 requirements and is in accordance with those Treaty principles.
188. Te Tumu Paeroa (S440.031) seeks the policy also recognise Māori Landowners. As I have discussed in relation to previous policies it is important that the mana whenua and Treaty Settlement recognitions of Poutini Ngāi Tahu are recognised. Therefore, any amendment should only apply to Māori Landowners who whakapapa to Poutini Ngāi Tahu. I therefore support this submission in part.

### Recommendations

189. That Policy NPL – P7 be amended as follows:

#### **NFL - P7**

Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu and Māori landowners who whakapapa to Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

190. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 9.0 Submissions on Natural Features and Landscapes Rules

### 9.1 Natural Hazard Mitigation Activities

#### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>NFL – R3 Natural hazard mitigation activities including earthworks</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.348	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.097	Support	Retain as proposed.

Grey District Council (S608)	S608.603	Support	Retain as proposed.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.233	Oppose	Delete permitted and controlled activities and require restricted discretionary consent.
<i>Westpower Limited</i>	<i>FS222.0264</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.506	Support	Alternatively limit to emergency hazard mitigation works only and include clear parameters around what is permitted.
Department of Conservation (S602)	S602.092	Oppose	Amend: Activity Status <del>Permitted</del> Restricted Discretionary Where: 1. The natural hazard mitigation activities are to protect critical infrastructure; 2. <del>The natural hazard mitigation activities are undertaken by a statutory agency or their nominated contractor;</del> and 3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six. <u>Discretion is restricted to: Any requirements for landscape evaluation; Managing effects on public access and natural character; Effects on the values that make the feature Outstanding; Extent and design of earthworks; Effects on historical, cultural, and biodiversity values; Amenity and visual effects; Alternative methods to avoid or mitigate the identified hazard risks and Landscape measures. Advice Notes: ..</u>
<i>Buller District Council</i>	<i>FS149.0118</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited</i>	<i>FS222.086</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.087	Amend	add advice note with reference to the WCRC Land and Water Plan
Frida Inta (S553)	S553.087	Amend	add advice note with reference to the WCRC Land and Water Plan
Buller District Council (S538)	S538.00641	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Chris & Jan Coll (S558)	S558.118	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.118	Amend	Amend to be more enabling.

Laura Coll McLaughlin (S574)	S574.118	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.198	Amend	Amend to be more enabling.
Frida Inta (S553)	S553.088	Amend	Amend to incorporate the matters referred to in Policies 4 & 5
<i>Westpower Limited</i>	<i>FS222.0138</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.088	Amend	Amend to incorporate the matters referred to in Policies 4 & 5
<i>Westpower Limited</i>	<i>FS222.026</i>	<i>Oppose</i>	<i>Disallow</i>
Manawa Energy Limited (Manawa Energy) (S438)	S438.093	Support in part	Amend NFL – R3 as follows: Where: The natural hazard mitigation activities are to protect <del>critical</del> regionally significant infrastructure;
West Coast Regional Council (S488)	S488.009, S488.027	Amend	Condition 1 of Rule NFL – R3 requires amending as the Council seeks that Rating District protection structures are included in the definition of “critical infrastructure”
<b>NFL – R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3</b>			
Buller District Council (S538)	S538.00646	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Department of Conservation (S602)	S602.096	Oppose	Delete Rule NFL - R9 in its entirety.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.234	Oppose	Delete permitted and controlled activities and require restricted discretionary consent.
Grey District Council (S608)	S608.061	Amend	Amend Rule to remove Condition 1
Manawa Energy Limited (Manawa Energy) (S438)	S438.098	Support in part	Amend NFL – R9 as follows: Activity Status Controlled Where: <u>1. These are Temporary Energy Electricity Generation Activities undertaken in accordance with ENG – R9, or</u> <u>2. These are required to protect Critical Regionally Significant Infrastructure; and</u> <u>3. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.</u>
Westpower Limited (S547)	S547.298	Amend	Amend 1. These are to protect Critical Infrastructure, <u>including Energy Activities.</u>
Westpower Limited (S547)	S547.299	Amend	Amend 2. These will not ... the values which <u>together</u> make it Outstanding.

Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.166	Amend	Include the following: Matters of control are: f. Identifying and avoiding impacts on Poutini Ngāi Tahu values
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### NFL – R3 Natural hazard mitigation activities

191. Te Mana Ora (S190.348), Waka Kotahi NZ (S450.097) and Grey District Council (S608.603) support the rule. This support is noted.
192. Forest and Bird (S560.233) and the Department of Conservation (S602.092) oppose the Permitted and Controlled Activity Rules and seek that a Restricted Discretionary Activity consent be required. Forest and Bird (S560.506) also seek clear parameters around what is permitted. Buller District Council (S538.00641) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support these submissions in part.
193. I discuss this matter in some detail in relation to submissions on policy NFL – P1. Key to this discussion is that Section 6 of the RMA requires the balancing of multiple requirements – the protection of ONFL and the management of significant risks of natural hazards. I am also mindful of the submissions on the Plan that ask for consistency of approach to activities across different overlays – and the recognition that the Plan is complex and consistency helps with understanding.
194. I do consider that natural hazard mitigation activities as defined is a very wide term and is inappropriate for a permitted activity in high value locations. Therefore, I propose that the Permitted Activity should refer to Natural Hazard Mitigation Structures only.
195. The Department of Conservation (S602.092) also have the view that who constructs the structure makes no difference. I disagree. Natural hazard mitigation structures constructed by a statutory agency are planned in a different way to those undertaken by a private individual. A statutory agency will be looking at the wider hazard whereas an individual will usually be focused on protecting an individual property. I consider that statutory agencies have a higher degree of oversight on the design and implementation of such structures and a greater awareness of unintentional environmental effects.
196. In terms of Plan consistency, I have carefully considered how these matters are dealt with in the Natural Character of Waterbodies chapter and my recommendations from the s42A report on this matter. I have also considered how I have approached this in my recommendations on submissions to the ECO chapter. I have differentiated between existing and new structures, and between upgrading and maintenance. I consider that maintenance and repair of all lawfully established natural hazard mitigation structures should be a Permitted Activity. I also consider that where the lawfully established structure is in place, its upgrading by a statutory agency should be a Permitted Activity.
197. I have also considered the Natural Hazard Rules around upgrading of natural hazard mitigation structures. Rule NH – R3 restricts permitted upgrading to “where there is no change to more than 10% to the overall dimensions, orientation or outline of the structure from the originally consented structure”. I consider that allowing some upgrading as a Permitted Activity is appropriate, and the standards in Rule NH – R3 could usefully be included as an additional requirement in this rule.
198. However, I agree with the submitters that new natural hazard mitigation structures should require a resource consent within an ONFL, that this is a significant activity and in some locations, this could have substantial adverse effects on the values that make an area outstanding which needs careful assessment through a resource consent process. With regard to emergency hazard mitigation works, I consider that the RMA already provides for this through the emergency provisions of s330 of the Act.
199. I will discuss this and submission S602.092 of the Department of Conservation further below in relation to submissions on NFL – R9.
200. Buller Conservation Group (S552.087) and Frida Inta (S553.087) seek that an advice note be added to refer Plan users to the WCRC Land and Water Plan. I do not support these



submissions. I consider that many activities involving earthworks will trigger the WCRC Land and Water Plan, depending on their location. It is most likely that these will be triggered in riparian areas, rather than ONFL. There are already advice notes referring people to the WCRC Land and Water Plan in that section.

201. Chris & Jan Coll (S558.118), Chris J Coll Surveying Limited (S566.118), Laura Coll McLaughlin (S574.118), William McLaughlin (S567198) seek that this rule be more enabling. I do not support these submissions. They do not specify what amendments they seek however I note that as discussed above new natural hazard mitigation structures could have significant adverse effects on the values of ONFL and I consider this needs assessment and management through a resource consent process.
202. Frida Inta (S553.088) and Buller Conservation Group (S552.088) seek that the matters referred to in Policies 4 and 5 be addressed within the rule. For this rule, the relevant policy is NFL – P1 – which provides for permitted activities. I therefore do not support this submission in relation to NFL – R3 but agree that Policies NFL - P4 and NFL - P5 are particularly relevant to rules where a resource consent is required.
203. Manawa Energy (S438.093) seeks that reference to critical infrastructure be replaced with regionally significant infrastructure in this rule. West Coast Regional Council (S488.009) seeks that rating district protection structures are included within the definition of critical infrastructure in this rule. I do not support these submissions, as based on my analysis from the submissions of Forest and Bird and the Department of Conservation I recommend that all new natural hazard mitigation structures require a resource consent. However, I note that my proposed amendments would provide for the upgrading of lawfully established natural hazard mitigation structures by a statutory agency as a Permitted Activity and that this would include the WCRC Rating District protection structures.

#### **NFL – R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3**

204. Buller District Council (S538.00646) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support this submission in part.
205. The Department of Conservation (S602.096) and Forest and Bird (S560.234) seek that this rule be deleted. I support these submissions in part as outlined below. Grey District Council (S608.061) seeks to remove condition 1 specifying that the natural hazard mitigation activities protect critical infrastructure. They seek that all natural hazard mitigation activities, regardless of purpose, within an ONL be a Controlled Activity. Manawa Energy (S438.098) seeks to amend the rule so that it covers temporary energy electricity generation activities undertaken in accordance with ENG – R9. Westpower Limited (S547.298) seeks that standard 1 be expanded to include all energy activities.
206. In terms of Plan consistency, I have carefully considered how these matters are dealt with in the Natural Character of Waterbodies chapter and my recommendations from the s42A report on that topic. I have also considered how I will approach this in my recommendations on submissions to the ECO topic.
207. Firstly, I note that the reference to Natural hazard mitigation activities in this rule means it also applies to natural hazard mitigation earthworks. I consider that this is appropriate as most natural hazard mitigation structures will require earthworks.
208. In terms of the submission of Manawa Energy (S438.098) to make temporary energy activities a Controlled Activity through this rule, I do not support this as I consider that is a separate matter to natural hazard mitigation structures. However I do acknowledge this issue which may warrant a separate rule and invite Manawa Energy to provide more information about temporary energy activities at the hearing. This information should recognise that as is discussed in Section 8.2 and in relation to other submissions, the term “energy activities” is not favoured by the drafting team for use in the plan – but that another term may be appropriate.
209. With regard to the submission of Grey District Council (S608.061) I do not support making all natural hazard mitigation activities that are not Permitted a Controlled Activity. However when I consider consistency with the rest of the Plan, to balance safety with matters of national importance and the approach I have taken in the s42A report for Natural Character of Waterbodies, I have recommended that natural hazard mitigation activities that are not



Permitted should be a Restricted Discretionary Activity. In that respect I therefore support their submission in part.

210. I also therefore support the submissions of Department of Conservation and Forest in Bird in part, in that I propose this rule as a Restricted Discretionary Activity, for all natural hazard activities.
211. Consequently I do not support in part the submission of Westpower Limited (S547.298) as the rule would no longer have a carve out for critical infrastructure.
212. Westpower Limited (S547.299) seeks the addition of the word "together" in describing the values in the rule. I do not consider this is necessary and therefore do not support this submission.
213. Ngāi Tahu (S620.166) seeks an additional matter of control in relation to Identifying and avoiding impacts on Poutini Ngāi Tahu values. I support this as being consistent with my previous recommendation on S620.169

### *Recommendations*

214. That the following amendments be made to the Natural Hazard Mitigation Activities Rules in the NFL Chapter:

**NFL - R3** Repair and Maintenance, and Upgrading of Natural hazard mitigation activities structures including earthworks in an Outstanding Natural Landscape described in Schedule Five

Activity Status Permitted

Where:

1. The natural hazard mitigation structure has been lawfully established ~~activities are to protect critical infrastructure;~~
2. Any upgrading of natural hazard mitigation activities structures is are undertaken by a statutory agency or their nominated contractor where there is no change to more than 10% to the overall dimensions, orientation or outline of the structure as of 14 July 2022; and
3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.

**NFL - R9** Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3

Activity Status ~~Controlled~~ Restricted Discretionary<sup>1</sup>

Where:

- ~~1. These are to protect Critical Infrastructure; and~~<sup>2</sup>
2. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.

~~Matters of control are~~ Discretion is Limited to:

- a. Any requirements for landscape evaluation;
- b. Managing adverse effects on historical, cultural, and biodiversity values;
- c. Amenity and visual effects.<sup>3</sup>
- d. Managing effects on public access and natural character;
- e. Effects on the values that make the feature Outstanding;

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<sup>1</sup> Department of Conservation (S602.096) and Forest and Bird (S560.234)

<sup>2</sup> Grey District Council (S608.061)

<sup>3</sup> Department of Conservation (S602.085)

- f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values
- g. Extent and design of earthworks; and
- h. Landscape measures.

215. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 9.2 Residential Activities within ONFL

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Rule NFL – R1 Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, critical infrastructure and tracks</b>			
Claire & John West (S506)	S506.016	Oppose	Include access and building platforms as a permitted activity.
Lauren Nyhan Anthony Phillips (S533)	S533.016	Oppose	Include access and building platforms as a permitted activity.
Russell and Joanne Smith (S477)	S477.016	Oppose	Include access and building platforms as a permitted activity.
Stewart & Catherine Nimmo (S559)	S559.016	Oppose	Include access and building platforms as a permitted activity.
Joel and Jennifer Watkins (S565)	S565.019	Amend	Amend rules to provide for established existing uses and subdivisions which are intended for residential development, and where residential development is already established to give effect to Policy 3.
Chris & Jan Coll (S558)	S558.116	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.116	Amend	Amend to be more enabling.
Laura Coll McLaughlin (S574)	S574.116	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.196	Amend	Amend to be more enabling.
<b>NFL – R5 Additions or alterations to buildings and structures</b>			
Joel and Jennifer Watkins (S565)	S565.008	Amend	Remove 5m building limit for established subdivisions.
Tim and Phaedra Robins (S579)	S579.008	Amend	Remove 5m building limit for established subdivisions.
Joel and Jennifer Watkins (S565)	S565.009	Amend	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.

Claire & John West (S506)	S506.006	Oppose	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Lauren Nyhan Anthony Phillips (S533)	S533.006	Oppose	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Russell and Joanne Smith (S477)	S477.006	Oppose	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Stewart & Catherine Nimmo (S559)	S559.006	Oppose	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Tim and Phaedra Robins (S579)	S579.009	Amend	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Tim Macfarlane (S482)	S482.006	Oppose	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area, and amend relevant definitions as necessary.
Chris & Jan Coll (S558)	S558.121	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.121	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.200	Amend	Amend to be more enabling.
Laura Coll McLaughlin (S574)	S574.121	Amend	Amend to be more enabling.
<b>NFL – R6 Earthworks</b>			
Russell and Joanne Smith (S477)	S477.007	Oppose	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions. Remove reference to Coastal Environment.
Stewart & Catherine Nimmo (S559)	S559.007	Oppose	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions. Remove reference to Coastal Environment.
Claire & John West (S506)	S506.007	Oppose	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions. Remove reference to Coastal Environment.

Joel and Jennifer Watkins (S565)	S565.010	Amend	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions.
Joel and Jennifer Watkins (S565)	S565.011	Support	Remove reference to Coastal Environment.
Lauren Nyhan Anthony Phillips (S533)	S533.007	Oppose	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions. Remove reference to Coastal Environment.
Tim Macfarlane (S482)	S482.007	Oppose	Remove 1 metre cut height or alternatively provide a more generous cut height which enables residential development as intended in existing subdivisions. Remove reference to Coastal Environment.
Tim and Phaedra Robins (S579)	S579.012	Amend	Remove reference to Coastal Environment.
Tim and Phaedra Robins (S579)	S579.010	Oppose	Delete 3.a.
Tim and Phaedra Robins (S579)	S579.011	Amend	alternative relief, amend to provide a more generous cut height which enables residential development as intended in existing subdivisions.
Laura Coll McLaughlin (S574)	S574.122	Amend	Amend to be more enabling.
Chris & Jan Coll (S558)	S558.122	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.122	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.201	Amend	Amend to be more enabling.
<b>NFL – R8 Erection of a building or structure not otherwise provided for as a Permitted Activity</b>			
William McLaughlin (S567)	S567.203	Amend	Amend rule to include residential dwellings and ancillary buildings at appropriate scale.
Chris & Jan Coll (S558)	S558.124	Amend	Amend rule to include residential dwellings and ancillary buildings at appropriate scale.
Chris J Coll Surveying Limited (S566)	S566.124	Amend	Amend rule to include residential dwellings and ancillary buildings at appropriate scale.
Laura Coll McLaughlin (S574)	S574.124	Amend	Amend rule to include residential dwellings and ancillary buildings at appropriate scale.
Buller District Council (S538)	S538.219	Oppose in part	Amend Rule 8 as follows: 6. For <u>residential</u> , agricultural, pastoral and horticultural activities <u>or any accessory building</u> where: The maximum height is <u>3.5m</u> above ground

			level; The gross floor area of any building does not exceed <del>100</del> <u>150</u> m <sup>2</sup> .
Claire & John West (S506)	S506.008	Oppose	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic building height limit which considers the sloping topography of the area. Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Lauren Nyhan Anthony Phillips (S533)	S533.008	Oppose	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic building height limit which considers the sloping topography of the area. Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Joel and Jennifer Watkins (S565)	S565.014	Amend	Alternative relief: provide a more realistic building height limit which considers the sloping topography of the area.
Joel and Jennifer Watkins (S565)	S565.015	Amend	Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Russell and Joanne Smith (S477)	S477.008	Oppose	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic building height limit which considers the sloping topography of the area. Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Stewart & Catherine Nimmo (S559)	S559.008	Oppose	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic building height limit which considers the sloping topography of the area. Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Tim and Phaedra Robins (S579)	S579.013	Amend	Amend 6.a. to remove 3m height limit as it is arbitrary, particularly given the topography of NFL's.
Tim and Phaedra Robins (S579)	S579.014	Amend	Alternative relief, provide a more realistic building height limit which considers the sloping topography of the area.
Tim and Phaedra Robins (S579)	S579.015	Support	Amend to include residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Tim Macfarlane (S482)	S482.008	Oppose	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's. Alternatively, provide a more realistic

			building height limit which considers the sloping topography of the area. Inclusion of residential buildings as a permitted activity, and increase floor area to 250m <sup>2</sup> minimum to enable houses.
Joel and Jennifer Watkins (S565)	S565.013	Amend	Remove 3m height limit as it is arbitrary, particularly given the topography of NFL's.

### Analysis

#### Submissions in relation to Rule NFL – R1

216. Claire & John West (S506.016), Lauren Nyhan Anthony Phillips (S533.016), Russell and Joanne Smith (S477.016) and Stewart and Catherine Nimmo (S559.016) seek that access and building platforms be provided as a permitted activity. Joel and Jennifer Watkins (S565.019) seek that the rules be amended to provide for established existing uses and subdivisions which are intended for residential development, and where residential development is already established to give effect to Policy 3. I do not support these submissions.
217. Currently the proposed Plan rule framework does not explicitly provide for residential activities – instead it provides for lawfully established buildings and structures and their maintenance operation, repair, demolition or removal. This would include lawfully established residential buildings and structures. The proposed Plan definition of “lawfully established” includes activities authorised by a resource consent. While I accept that there may be subdivisions that have occurred prior to Plan notification, in ONFL, I am not aware of any specific circumstances of this. Without further information on the extent of this issue, I am not able to consider whether there is a need for amendment to the rule to provide for these circumstances.
218. In relation to the wider issue of providing for residential development and access within an ONL as a permitted activity I do not support this. While I accept that for many landowners subdivision and residential development of land with an ONFL may be the highest economic use for the land, these are areas that are identified as having outstanding values and protection of these is a matter of national importance. The rules are deliberately restrictive, in order to minimise the cumulative effects of permitted activities in particular. If access and residential development were provided for as permitted activities, then it is likely that these values would be degraded. This has been evident in Greymouth where the former ONL of the Peter Range/hills behind Greymouth has been so degraded by residential development and access during the period between 2013 and 2022, that the area has been assessed as no longer being outstanding.
219. Chris & Jan Coll (S558.116), Chris J Coll Surveying Limited (S566.116), Laura Coll McLaughlin (S574.116) and William McLaughlin (S567.116) seek that the rule be more enabling. I do not support these submissions. They do not specify what amendments they seek or what activities they want to be enabled, therefore I cannot access the merits of this.

#### NFL – R5 Additions or alterations to buildings and structures

220. Joel and Jennifer Watkins (S565.008, S565.009), Claire and John West (S506.006), Lauren Nyhan Anthony Phillips (S533.006), Russell and Joanne Smith (S477.006), Stewart & Catherine Nimmo (S559.006), Tim and Phaedra Robins (S579.008, S579.009) and Tim Macfarlane (S482.006) seek that the 5m building limit for established subdivisions be removed, or that a more realistic building height limit that considers the sloping topography of the area be provided for. Chris & Jan Coll (S558.121), Chris J Coll Surveying Limited (S566.121), Laura Coll McLaughlin (S574.121) and William McLaughlin (S567.200) seek that this rule be more enabling.
221. These submitters are all concerned that there is no Permitted Activity for new residential buildings and that the height limit for additions effectively limits these to a single storied building. While it is often entirely possible to design a residential activity so that it does not impact on the values of an ONFL, this will require careful design and implementation. I recognise that for many landowners subdivision of these lands as “bush blocks” for lifestyle

properties is probably the highest and best economic use of this land. However, if significant cumulative adverse effects on the visual qualities of ONLs and the scientific qualities of ONFs are to be avoided, remedied or mitigated, I consider that resource consent assessment and appropriate conditions will be necessary. In some cases, the adverse effects may not be able to be remedied or mitigated and the ability to decline consent is also important in these situations.

#### **NFL – R6 Earthworks**

222. Russell and Joanne Smith (S477.007), Catherine Nimmo (S559.007), Claire & John West (S506.007), Joel and Jennifer Watkins (S565.010, S565.011), Lauren Nyhan Anthony Phillips (S533.007), Tim Macfarlane (S482.007), Tim and Phaedra Robins (S579.010, S570.011 and S570.012) seek that the 1metre height cut be deleted or a more generous cut height which enables residential development be provided for as a Permitted Activity. They also seek the reference to the more restrictive rules in the coastal environment be removed. Laura Coll McLaughlin (S574.122), Chris & Jan Coll (S558.122), Chris J Coll Surveying Limited (S566.122) and William McLaughlin (S567.201) seeks that the rule be more enabling.
223. These submissions relate to the desire to provide for residential building within an ONFL as a Permitted Activity. As I have discussed in relation to their other submissions above, while it is often entirely possible to design a residential activity so that it does not impact on the values of an ONFL, this will require careful design and implementation. I do consider that 500m<sup>3</sup> of earthworks is a large volume, and that a residential dwelling should be able to be undertaken within this. Hence the submitters have focused on the 1m cut depth. However large cuts can have significant visual impacts, result in significant landform modification and could, particularly cumulatively, result in adverse effects on the values that make an area outstanding, especially when the identified ONFL values include geomorphic values. I consider that resource consent assessment and appropriate conditions are important to manage these matters.
224. With regard to the parts of these submissions that relate to the coastal environment, and also submission S524.073 of Federated Farmers. I do not support these submissions. These submissions reflect one of the problems with the National Planning Standards structure for district plans – the requirement for a separate Coastal Environment Chapter with the relevant provisions being in that location. This has made Plan drafting difficult, and advice notes have been used, with electronic linkages, directing people to the relevant rule that applies. There is an advice note in this rule doing this (Advice Note 3). I discuss this further in relation to the submission of Federated Farmers (S524.073) and Westpower Limited (S547.286) with regard to the other aspects of the rule in section 9.3 of this report.

#### **NFL – R8 Erection of a building or structure not otherwise provided for as a Permitted Activity**

225. William McLaughlin (S567.203), Chris & Jan Coll (S558.124), Laura Coll McLaughlin (S574.124) and Chris J Coll Surveying Limited (S566.124) seek that the rule be amended to provide for residential dwellings and ancillary buildings at an appropriate scale. Buller District Council (S538.219) seek that residential dwellings and accessory buildings be included within standard 6 with an increase in maximum height to 5m above ground level and increase in gross floor area to 150m<sup>2</sup>. Claire & John West (S506.608), Lauren Nyhan Anthony Phillips (S533.008), Joel and Jennifer Watkins (S565.014, S565.015, S565.013), Russell and Joanne Smith (S477.008), Stewart & Catherine Nimmo (S559.008), Tim and Phaedra Robins (S579.013, S579.014 and S579.015) and Tim Macfarlane (S482.008) oppose the 3m height limit and seek that it is increased, seek the inclusion of residential buildings as a permitted activity and seek to increase the floor area to 250m<sup>2</sup> minimum.
226. I do not support these submissions. I consider that providing for a Permitted Activity for residential dwellings is likely to lead, in some ONFLs, to a cumulative loss of values that make these outstanding as a result of the cumulative effects of permitted activities. Locations where I consider this is a particular risk to cumulative effects of unrestricted residential activity include ONLs on the areas of private land around the Karamea/Little Wanganui, Lake Brunner, Lake Kaniere, Haast and Okuru. In this I note that the other provisions of the TTPP will have the effect of pushing development away from the traditionally popular highly scenic areas on



the coastline as most of these locations are in areas of significant risk of natural hazards. However the private ONL land adjacent to these communities (eg Punakaiki, Granity – Hector, Barrytown, Neil’s Beach) all falls within the coastal environment and are not subject to this rule. I do note however that there is not a specific advice note or mention in the rule stating that, and this may not be clear to the Plan user – if they have skipped over the mention of this and information in the Overview Section. I therefore recommend that an advice note is added to this rule, to make that matter clear.

### Recommendations

227. That the following amendments be made to Rule NFL – R8:

**Advice Note:** Where buildings and structures are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.

228. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as outlined in Appendix 2.

## 9.3 Other Permitted Activities

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Rule NFL – R1 Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, critical infrastructure and tracks</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.346	Support	Retain rule.
Waka Kotahi NZ Transport Agency(S450)	S450.096	Support	Retain as proposed.
Federated Farmers of New Zealand (S524)	S524.071, S524.072	Support	Retain as proposed.
Grey District Council (S608)	S608.602	Support	Retain as proposed.
KiwiRail Holdings Limited (S442)	S442.058	Support	Retain as proposed
Buller District Council (S538)	S538.00639	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs.
<i>Grey District Council</i>	<i>FS1.420</i>	<i>Support</i>	<i>Allow</i>
Buller Conservation Group (S552)	S552.086	Amend	Amend to state which has priority - ECO/ CE rules, or the values which make the ONF outstanding? There needs to be a ruling around this.
Frida Inta (S553)	S553.086	Amend	Amend to state which has priority - ECO/ CE rules, or the values which make the ONF



			outstanding? There needs to be a ruling around this.
Westpower Limited (S547)	S547.293	Amend	Amend heading: Maintenance, operation, repair <u>and minor upgrading</u> of ... network utilities, <u>energy activities</u> , renewable electricity ... .
Manawa Energy Limited (Manawa Energy) (S438)	S438.092	Support in part	Amend NFL – R1 as follows: Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, <del>critical</del> <u>regionally significant</u> infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six. Activity Status Permitted. Where: 1. <u>Earthworks, structures and vegetation clearance applying to renewable electricity generation activities are permitted under the Energy and Ecosystems and Biodiversity chapters.</u>
Horticulture New Zealand (S486)	S486.033	Oppose in part	Amend NFL-R1 by adding 'rural production activities' after renewable electricity generation activities'
<b>NFL – R2 Conservation Activities within an Outstanding Natural Landscape</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.347	Support	We support this rule.
Chris & Jan Coll (S558)	S558.117	Amend	We support these rules in principle, but they are very restrictive.
Chris J Coll Surveying Limited (S566)	S566.117	Amend	We support these rules in principle, but they are very restrictive.
Laura Coll McLaughlin (S574)	S574.117	Amend	We support these rules in principle, but they are very restrictive.
William McLaughlin (S567)	S567.197	Amend	We support these rules in principle, but they are very restrictive.
Skyline Enterprises Limited (S250)	S250.004	Oppose	It is noted that in the TTPP 'Conservation Activities' are provided for within ONL and ONF's However, it is not clear that providing an Aerial Cableway by a commercial entity (such as the submitter) would fall within the scope of this definition.  That the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development

<b>NFL – R4 Demolition and Removal of a Structure within an Outstanding Natural Landscape</b>			
Manawa Energy Limited (Manawa Energy) (S438)	S438.094	Support	Retain NFL – R4 as notified.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.349	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.098	Support	Retain as proposed.
Westpower Limited (S547)	S547.294	Support	Retain
Buller District Council (S538)	S538.00642	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Chris & Jan Coll (S558)	S558.119	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.119	Amend	Amend to be more enabling.
Laura Coll McLaughlin (S574)	S574.119	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.199	Amend	Amend to be more enabling.
<b>NFL – R5 Additions or alterations to buildings and structures</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.350	Support	Retain rule.
Buller District Council (S538)	S538.00643	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Westpower Limited (S547)	S547.295	Amend	Amend 1. the maximum height of <u>any addition or alteration</u> to buildings and ...
Manawa Energy Limited (Manawa Energy) (S438)	S438.095	Support in part	Amend NFL – R5 as follows: Additions or alterations to buildings and structures, <u>and ancillary earthworks and vegetation clearance</u> within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six. Activity Status Permitted 1. The maximum height of new buildings and structures above ground level is 5m. 2. <u>The maximum height of existing buildings and structures greater than 5m in height above</u>

			<u>ground level does not exceed an additional 30% increase in total height.</u>
Department of Conservation (S602)	S602.093	Amend	Amend: Activity Status Permitted Where: The maximum height of buildings and structures above ground level is 5m. <u>The maximum size of the addition is no greater than 50m<sup>2</sup>, or 10% of the total floor area, whichever is greater.</u> Advice Note: ...
<i>Buller District Council</i>	<i>FS149.0119</i>	<i>Support</i>	<i>Allow</i>
<b>NFL – R6 Earthworks</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.351	Support	Retain rule.
KiwiRail Holdings Limited (S442)	S442.059	Support	Retain as proposed
Transpower New Zealand Limited (S299)	S299.083	Support	Retain this rule
Hadley Mills (S534)	S534.003	Amend	That a series of permitted activity rules be written to allow for future bush clearing, earthworks, waterway culverts, bridge building and any other activities and land use associated with the development, use and maintenance of multi-use recreation trails (similar to the West Coast Wilderness Trail). These permitted activities should cut across all overlays except for perhaps wetlands layers. Permitted activities should have strict environmental conditions regarding things like, clearance width, earthworks volume limits /km etc.
<i>MBD Contracting Limited</i>	<i>FS134.011</i>	<i>Support</i>	<i>Allow</i>
Buller District Council (S538)	S538.00644	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Buller Conservation Group (S552)	S552.089	Amend	3. b. /per site or 4ha whichever is the larger
Frida Inta (S553)	S553.089	Amend	3. b. /per site or 4ha whichever is the larger
Federated Farmers of New Zealand (S524)	S524.073	Support in part	The coast environment could contain pastoral land so should include an allowance for earthworks to be included.
Westpower Limited (S547)	S547.296	Amend	Amend 3. Where activities are located in ... the provisions of the Coastal Environment Chapter apply, <u>and this rule does not apply</u>

Department of Conservation (S602)	S602.094	Oppose	Amend: Activity Status Permitted Where: All performance standards for Earthworks Rule EW – R1 are complied with; and This is ancillary to: a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4; For other earthworks, the following standards are complied with: a. The cut height or fill depth does not exceed one metre vertically; b. No more than 5200m3 of earthworks are undertaken/12 month period/site; and c. The earthworks are undertaken outside of the Coastal Environment. Advice Note: Earthworks associated with natural hazard mitigation activities are subject to Rule NFL – R3. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply. Activity status where compliance not achieved: <del>Controlled</del> Restricted Discretionary ...
<i>Westpower Limited</i>	<i>FS222.087</i>	<i>Oppose</i>	<i>Disallow</i>
Manawa Energy Limited (Manawa Energy) (S438)	S438.096	Support in part	Amend NFL – R6 as follows: Activity Status Permitted Where: 1.All performance standards for Earthworks Rule EW – R1 are complied with; and 2.This is ancillary to: a.An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or b.Any <u>renewable electricity generation activity</u> <del>or energy activity undertaken by a network work utility operator</del> in accordance with the Permitted Activity standards in Energy Rule ENG – R14; <del>or</del> <u>3</u> .For other earthworks (beyond those provided for in clause 1 and 2 above), the following standards are complied with: a)The cut height or fill depth does not exceed one metre vertically; b)No more than 500m3 of earthworks are undertaken/12 month period/site; and c)The earthworks are undertaken outside of the Coastal Environment
<i>Westpower Limited</i>	<i>FS222.0192</i>	<i>Support in part</i>	<i>Not stated</i>
Waka Kotahi NZ Transport Agency (S450)	S450.099	Support in part	Amend the rule to provide for transport infrastructure or to allow for earthworks undertaken by a statutory agency.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.235	Amend	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Birchfield Coal Mines Ltd (S601)	S601.048	Amend	Amend NFL - R6 as follows: <u>Earthworks, excluding minerals extraction, exploration and prospecting activities</u> , within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six ... Alternatively, amend the definition of earthworks to specifically exclude minerals extraction, exploration and prospecting activities so that these rules do not apply to these activities.
Birchfield Ross Mining Limited (S604)	S604.042	Amend	Amend NFL - R6 as follows: <u>Earthworks, excluding minerals extraction, exploration and prospecting activities</u> , within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six ... Alternatively, amend the definition of earthworks to specifically exclude minerals extraction, exploration and prospecting activities so that these rules do not apply to these activities.
TiGa Minerals and Metals Limited (S493)	S493.062	Amend	Amend: <u>Earthworks, excluding minerals extraction, exploration and prospecting activities</u> , within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six ... Alternatively, amend the definition of earthworks to specifically exclude minerals extraction, exploration and prospecting activities so that these rules do not apply to these activities.
<i>John Caygill</i>	<i>FS44.12</i>	<i>Oppose</i>	<i>Disallow</i>
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.067	Amend	Amend: <u>Earthworks, excluding minerals extraction, exploration and prospecting activities</u> , within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six ... Alternatively, amend the definition of earthworks to specifically exclude minerals extraction, exploration and prospecting activities so that these rules do not apply to these activities.
<i>Karamea Community Incorporated</i>	<i>FS125.014</i>	<i>Support</i>	<i>Allow</i>
<i>William McLaughlin</i>	<i>FS148.014</i>	<i>Support</i>	<i>Allow</i>

<i>Catherine Jane Smart-Simpson</i>	<i>FS155.013</i>	<i>Support</i>	<i>Allow</i>
<i>Catherine Jane Smart-Simpson</i>	<i>FS155.013</i>	<i>Support</i>	<i>Allow</i>
<i>Nathan Simpson</i>	<i>FS156.013</i>	<i>Support</i>	<i>Allow</i>
<i>Geoff Volckman</i>	<i>FS157.013</i>	<i>Support</i>	<i>Allow</i>
<i>Kathleen Beveridge</i>	<i>FS158.013</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Beveridge</i>	<i>FS159.013</i>	<i>Support</i>	<i>Allow</i>
<i>Frans Volckman</i>	<i>FS160.013</i>	<i>Support</i>	<i>Allow</i>
<i>Tom Murton</i>	<i>FS161.013</i>	<i>Support</i>	<i>Allow</i>
<i>Maryann Volckman</i>	<i>FS162.013</i>	<i>Support</i>	<i>Allow</i>
<i>Kylie Volckman</i>	<i>FS163.013</i>	<i>Support</i>	<i>Allow</i>
<i>Barbara Bjerring</i>	<i>FS164.013</i>	<i>Support</i>	<i>Allow</i>
<i>Brian Patrick Jones</i>	<i>FS165.013</i>	<i>Support</i>	<i>Allow</i>
<i>Bryan Rhodes</i>	<i>FS166.013</i>	<i>Support</i>	<i>Allow</i>
<i>Frank Bjerring</i>	<i>FS167.013</i>	<i>Support</i>	<i>Allow</i>
<i>Jane Garrett</i>	<i>FS168.013</i>	<i>Support</i>	<i>Allow</i>
<i>Allwyn Gourley</i>	<i>FS169.013</i>	<i>Support</i>	<i>Allow</i>
<i>Bevan Langford</i>	<i>FS170.013</i>	<i>Support</i>	<i>Allow</i>
<i>Shaun Rhodes</i>	<i>FS171.013</i>	<i>Support</i>	<i>Allow</i>
<i>Jack Simpson</i>	<i>FS172.013</i>	<i>Support</i>	<i>Allow</i>
<i>Roger Gibson</i>	<i>FS173.013</i>	<i>Support</i>	<i>Allow</i>
<i>Rachel Shearer</i>	<i>FS174.013</i>	<i>Support</i>	<i>Allow</i>
<i>Gareth Guglebreten</i>	<i>FS175.013</i>	<i>Support</i>	<i>Allow</i>
<i>Charlotte Aitken</i>	<i>FS176.013</i>	<i>Support</i>	<i>Allow</i>
<i>Glen Kingan</i>	<i>FS177.013</i>	<i>Support</i>	<i>Allow</i>
<i>Hayden Crossman</i>	<i>FS178.013</i>	<i>Support</i>	<i>Allow</i>
<i>Susan Waide</i>	<i>FS179.013</i>	<i>Support</i>	<i>Allow</i>
<i>Desirae Bradshaw</i>	<i>FS180.013</i>	<i>Support</i>	<i>Allow</i>
<i>Andrew Bruning</i>	<i>FS181.013</i>	<i>Support</i>	<i>Allow</i>
<i>Marty Syron</i>	<i>FS182.013</i>	<i>Support</i>	<i>Allow</i>
<i>Kelvin Jeff Neighbours</i>	<i>FS183.013</i>	<i>Support</i>	<i>Allow</i>
<i>J &amp; M Syron Farms</i>	<i>FS184.013</i>	<i>Support</i>	<i>Allow</i>
<i>Michelle Joy Stevenson</i>	<i>FS185.013</i>	<i>Support</i>	<i>Allow</i>
<i>Marnie Stevenson</i>	<i>FS186.013</i>	<i>Support</i>	<i>Allow</i>
<i>Sophie Fox</i>	<i>FS187.013</i>	<i>Support</i>	<i>Allow</i>

<i>Ed Tinomana</i>	<i>FS188.013</i>	<i>Support</i>	<i>Allow</i>
<i>Dave Webster</i>	<i>FS189.013</i>	<i>Support</i>	<i>Allow</i>
<i>Aidan Corkill</i>	<i>FS190.013</i>	<i>Support</i>	<i>Allow</i>
<i>Shanae Douglas</i>	<i>FS191.013</i>	<i>Support</i>	<i>Allow</i>
<i>Danielle O'Toole</i>	<i>FS192.013</i>	<i>Support</i>	<i>Allow</i>
<i>Aimee Milne</i>	<i>FS193.013</i>	<i>Support</i>	<i>Allow</i>
<i>Michael O'Regan</i>	<i>FS194.013</i>	<i>Support</i>	<i>Allow</i>
<i>Neal Gallagher</i>	<i>FS195.013</i>	<i>Support</i>	<i>Allow</i>
<i>Arthur Neighbours</i>	<i>FS196.013</i>	<i>Support</i>	<i>Allow</i>
<i>Mat Knudsen</i>	<i>FS197.013</i>	<i>Support</i>	<i>Allow</i>
<i>Brendon Draper</i>	<i>FS198.013</i>	<i>Support</i>	<i>Allow</i>
<i>Matthew Thomas</i>	<i>FS199.013</i>	<i>Support</i>	<i>Allow</i>
<i>Philip O'Connor</i>	<i>FS200.013</i>	<i>Support</i>	<i>Allow</i>
<i>Tracy Moss</i>	<i>FS201.013</i>	<i>Support</i>	<i>Allow</i>
<i>James Dunlop Stevenson</i>	<i>FS202.013</i>	<i>Support</i>	<i>Allow</i>
<i>Murray Aitken</i>	<i>FS203.013</i>	<i>Support</i>	<i>Allow</i>
<i>Joel Hands</i>	<i>FS204.013</i>	<i>Support</i>	<i>Allow</i>
<i>Peter Hands</i>	<i>FS205.013</i>	<i>Support</i>	<i>Allow</i>
<i>Patrick John Hands</i>	<i>FS206.013</i>	<i>Support</i>	<i>Allow</i>
<i>Jackie O'Connor</i>	<i>FS207.013</i>	<i>Support</i>	<i>Allow</i>
<i>Maurice Douglas</i>	<i>FS208.013</i>	<i>Support</i>	<i>Allow</i>
<i>Gary Donaldson</i>	<i>FS209.013</i>	<i>Support</i>	<i>Allow</i>
<i>Joy Donaldson</i>	<i>FS210.013</i>	<i>Support</i>	<i>Allow</i>
<i>Selwyn Lowe</i>	<i>FS211.013</i>	<i>Support</i>	<i>Allow</i>
<i>Sheryl Marie Rhind</i>	<i>FS212.013</i>	<i>Support</i>	<i>Allow</i>
<i>Stewart James Rhind</i>	<i>FS213.013</i>	<i>Support</i>	<i>Allow</i>
<i>Oparara Valley Project Trust</i>	<i>FS124.013</i>	<i>Support</i>	<i>Allow</i>
<i>Rosalie Sampson</i>	<i>FS123.013</i>	<i>Support</i>	<i>Allow</i>
<i>John Milne</i>	<i>FS225.013</i>	<i>Support</i>	<i>Allow</i>
<i>Jo-Anne Milne</i>	<i>FS226.013</i>	<i>Support</i>	<i>Allow</i>
<i>Jessie Gallagher</i>	<i>FS227.013</i>	<i>Support</i>	<i>Allow</i>
<i>Cheryl Gallagher</i>	<i>FS228.013</i>	<i>Support</i>	<i>Allow</i>
<i>Margaret Jane Milne</i>	<i>FS229.013</i>	<i>Support</i>	<i>Allow</i>
<i>Chris Lowe</i>	<i>FS238.013</i>	<i>Support</i>	<i>Allow</i>

Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.048	Oppose in part	Amend Rule NFL-R6 as follows: Activity Status Permitted Where: 1. All performance standards for Earthworks Rule EW - R1 are complied with; and 2. This is ancillary to: a. An infrastructure activity undertaken by a network utility operator <del>in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7;</del> or..
<b>NFL – R7 Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.352	Support	Retain rule.
Buller District Council (S538)	S538.00645	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
Buller Conservation Group (S552)	S552.090	Amend	3. to be subject to rules in ECO and rules and policies in NFL.
Frida Inta (S553)	S553.090	Amend	3. to be subject to rules in ECO and rules and policies in NFL.<
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.164	Amend	Amend rule as follows :NFL - R7 <u>Poutini Ngāi Tahu Activities and Māori Purpose Activities</u> within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six Permitted, where: 1. These are: a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and
Chris & Jan Coll (S558)	S558.123	Amend	Amend to be more enabling.
Chris J Coll Surveying Limited (S566)	S566.123	Amend	Amend to be more enabling.
William McLaughlin (S567)	S567.202	Amend	Amend to be more enabling.
Laura Coll McLaughlin (S574)	S574.123	Amend	Amend to be more enabling.
<b>NFL – R8 Erection of a building or structure not otherwise provided for as a Permitted Activity</b>			
Te Mana Ora (Community and Public Health) of	S190.353	Support	Retain rule.



the NPHS/ Te Whatu Ora (S190)			
Federated Farmers of New Zealand (S524)	S524.074	Support	Retain as notified
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.236	Amend	Amend to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
New Zealand Defence Force (S519)	S519.032	Amend	Amend Rule NFL – R8 to state: Activity Status Permitted Where the structure is: <u>7. A bridge and / or a dam constructed as part of a Temporary Military Training Activity</u>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.237</i>	<i>Oppose</i>	<i>Disallow</i>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.165	Amend	Include the following: 7. Associated with mahinga kai
<i>Horticulture New Zealand</i>	<i>FS55.31</i>	<i>Support</i>	<i>Allow</i>
Horticulture New Zealand (S486)	S486.034	Support in part	Amend NFL-R8 2) by deleting 'stock'
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.049	Oppose in part	Amend Rule NFL-R8 as follows: Activity Status Permitted Where the structure is: 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7, <u>underground lines or small network utility structures not exceeding 3m in height and 5m<sup>2</sup> in area</u> ; or ...
Manawa Energy Limited (Manawa Energy) (S438)	S438.097	Support in part	Amend NFL – R8 as follows: Activity Status Permitted Where the structure is: 1.A fence; or 2.Associated with stock water reticulation including tanks, pipes and water troughs; or 3.For parks facilities or parks furniture in any Open Space Zone; or 4.For a network utility (including customer

			connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or 5. For a small-scale renewable electricity generation activity with a maximum height above ground level of 5m where: <u>a. The maximum height is 5m above ground level; and</u> <u>b. The gross floor area of any building does not exceed 100m<sup>2</sup>; or</u> 6. For agricultural, pastoral and horticultural activities or any accessory building where: a. The maximum height is 3m above ground level; and b. The gross floor area of any building does not exceed 100m <sup>2</sup>
Department of Conservation (S602)	S602.095	Amend	Amend: Activity Status Permitted Where the structure is: A fence; or Associated with stock water reticulation including tanks, pipes and water troughs; or For parks facilities or parks furniture in any Open Space Zone; or <del>For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or</del>
<i>Westpower Limited</i>	<i>FS222.088</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.091	Amend	3. For parks facilities or park furniture in any Open Space Zone <u>needs to be minimal with low visual impact</u>  Cross-reference with WCRC Land and Water Plan.
Frida Inta (S553)	S553.091	Amend	3. For parks facilities or park furniture in any Open Space Zone <u>needs to be minimal with low visual impact</u>  Cross-reference with WCRC Land and Water Plan.
<i>Westpower Limited</i>	<i>FS222.0193</i>	<i>Support in part</i>	<i>Not stated</i>
Westpower Limited (S547)	S547.297	Amend	4. For a network ... (including <u>energy activities</u> and customer connections) in accordance with ... Infrastructure in rule INF-R7 and Energy Activities in Rule ENG-R4; or

### Analysis

#### **NFL – R1 Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, critical infrastructure and tracks**

229. Te Mana Ora (S190.346), Waka Kotahi (S450.096), Federated Farmers (S524.071, S524.072), Grey District Council (S608.602) and KiwiRail Holdings Limited (S442.058) support Rule NFL – R1. This support is noted.
230. Buller District Council (S528.00629) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support this in part. I support the intention

and that as much as possible the rules across ONLs and SNAs should be comparable – however it is important to recognise that ONLs are being managed for different values, and in particular visual, landscape, cultural and scientific values and that this can require differences in management approach. In addition, the NPSIB, and case law require that different criteria and assessments be considered.

231. Buller Conservation Group (S552.086) and Frida Inta (S553.086) seek that the advice notes to the rule be amended to state which has priority ECO/ CE rules, or the values which make the ONF outstanding? I do not support these submissions. Policies and Rules in relation to Matters of National Importance do not have a hierarchy. In practice both Rule NFL – R1 and Rule ECO – R1 allow for maintenance, operation and repair of lawfully established activities, so those activities will be permitted under both rules.
232. Westpower Limited (S547.293) seeks that the heading be amended to include “minor upgrading” and specifically include “energy activities”. With regard to the inclusion of “energy activities” – I do not support this. The various s42A authors have met to discuss consistency of terminology used within the Plan and have concluded that the term “including energy activities” is not supported as it is generally a duplication of terms as the activities are included within the terms “infrastructure”, “network utilities” and “regionally significant infrastructure”.
233. With regard to minor upgrading, minor upgrading is not defined – however upgrading is defined as follows:
- means in relation to infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair.*
234. Rule NFL – R6 allows for new earthworks where these are ancillary to an infrastructure or energy activity in accordance with the Permitted Activity Standards of INF – R7 or ENG – R4. I consider that “upgrading” would have similar effects in terms of earthworks – however I note that INF – R7 and ENG – R4 allow for a 30% increase in height which may not be appropriate as a Permitted Activity in an ONFL – particularly if the structure was located on a ridge, or the increase led to it protruding into the skyline. I also do not consider that altering Rule NFL – R1 which otherwise entirely deals with repair and maintenance is the appropriate location to allow for upgrading within the Permitted Activity Rules. I consider the appropriate location would be to amend rule NFL – R5 in relation to buildings and structures and allow for upgrading of structures associated with energy activities and infrastructure where this is in accordance with the permitted activity standards of rules INF – R7 or ENG – R4, while still meeting the maximum height limit of 5m. Rather than referring to “energy activities” I prefer a reference to “network utilities” as the s42A authors have all agreed that the term “energy activities” is not necessary as there are other defined terms. I therefore propose this as relief to the submission which I support in part.
235. Manawa Energy (S438.092) seeks that the rule be amended to refer to regionally significant infrastructure rather than critical infrastructure. I support this as the s42A report for Energy Infrastructure and Transport recommends this amendment. Manawa Energy also seeks to link the rule to the earthworks, structures and vegetation clearance applying to renewable electricity generation activities that are permitted under the Energy and Ecosystems and Biodiversity chapters. I do not support this for the reasons stated above.
236. Vegetation clearance is managed under the ECO chapter, and to avoid confusion I consider reference to vegetation clearance should not be included in the NFL rules which instead focuses on protecting the ONFL values. As discussed in relation to the Westpower submission above, I consider that a reference to the Energy (and Infrastructure) rules can be appropriate, as for example in Rule NFL – R6. However, Rules ENG – R4 and INF – R7 regulate new activities, not just maintenance and repair, so a reference to those rules in relation to a rule that just provides for maintenance and repair is inappropriate. However I consider that my proposed amendment to Rule NFL – R5 to allow for upgrading of buildings and structures for energy activities and infrastructure provides the essence of the relief sought by Manawa Energy, therefore I support this submission in part.

237. Horticulture New Zealand (S486.033) seeks that "rural production activities" be added after renewable energy generation activities. I do not support this amendment. "Rural production activities" is currently undefined, although I recognise that a definition is sought, and this will be discussed in the Rural Zones s42A report. However, I consider it is likely to be a very wide term, and that this rule needs to be specific in order for clarity about what is permitted.

#### **NFL – R2 Conservation Activities**

238. Te Mana Ora (S190.347) support this rule. This support is noted. Chris & Jan Coll (S558), Chris J Coll Surveying Limited (S566), Laura Coll McLaughlin (S574), William McLaughlin (S567) support this rule in principle, but note it is very restrictive. This support and concern is noted. As is discussed in relation to NFL – R1 above, the permitted activity rules are deliberately restrictive, in order to minimise the cumulative effects of permitted activities. Cumulative adverse effects and loss of outstanding values have been seen in former ONLs on the West Coast within the last 10 years.

239. Skyline Enterprises Limited (S250.004) are concerned that construction of an Aerial Cableway in an ONFL is not considered a Conservation Activity and is not covered by the Permitted Activity rules. They seek specific recognition of such as cableway within the rules. I do not support this submission. Such a cableway has not been designed, and the Westland/Tai Poutini National Park Management Plan has not yet been finalised so there is no clarity about whether such a proposal is supported within the National Park. Regardless such an activity would be expected to have significant visual effects, and I consider the likely Discretionary Activity status under Rule NFL – R15 is entirely appropriate.

#### **NFL – R4 Demolition and Removal of Structures**

240. Manawa Energy (S438.094), Te Mana Ora (S190.349), Waka Kotahi NZ (S450.098) and Westpower Limited (S547.294) support this rule. Buller District Council (S538.00642) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. These submissions are noted.

241. Chris & Jan Coll (S558.119), Chris J Coll Surveying Limited (S566.119), Laura Coll McLaughlin (S574.119) and William McLaughlin (S567.199) seek that this rule be more enabling. I do not support these submissions. They do not specify what amendments they seek or how they wish it to be more enabling, so I am unable to assess the merits of this.

#### **NFL – R5 Additions or alterations to buildings and structures**

242. Te Mana Ora (S190.350) supports this rule. Buller District Council (S538.00643) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. These submissions are noted.

243. Westpower Limited (S547.295) seeks amendment to standard one so that it is clear that the 5m height limit applies to the addition or alteration. I support this as it clarifies the rule.

244. Manawa Energy (S438.095) seeks that where existing buildings and structures have a maximum height greater than 5m that a 30% increase in height is provided for as a Permitted Activity. This would align the rule to the Permitted Activity Rules in the Energy, Infrastructure and Transport Chapter – INF – R7 and ENG – R4. I do not support this submission. A 30% increase in a 9m high building or structure (about the height of a 2-story building) would enable this to extend to 12m as a Permitted Activity. I consider that this scale of increase in height could have a significant visual impact which need to be assessed through a resource consent process. The submission also seeks that ancillary earthworks and vegetation clearance are provided for in the rule. Vegetation clearance rules lie in the ECO chapter, and I do not consider it appropriate to provide for vegetation clearance in the ONFL chapter which deals only with the potential adverse effects on the values of ONFL caused by buildings, structures and earthworks. In relation to earthworks, these are already provided for in Rule NFL – R6 where these are ancillary to an energy activity.

245. The Department of Conservation (S602.093) seeks a restriction on the size area of any addition so that it is no greater than 50m<sup>2</sup>, or 10% of the total floor area, whichever is the greater. The intention of this proposed amendment is that it would restrict the increase in bulk and size of any building and therefore the visual impact on the ONFL. I support this submission as it allows for some adaptive reuse and expansion of existing buildings but creates clear limits on the extent to ensure adverse effects are less than minor.

## NFL – R6 Earthworks

246. Te Mana Ora (S190.351), KiwiRail Holdings Limited (S442.059) and Transpower New Zealand Limited (S299.083) support this rule. This support is noted.
247. Hadley Mills (S534.003) seeks that a series of permitted activity rules be written to allow for future bush clearing, earthworks, waterway culverts, bridge building and any other activities and land use associated with the development, use and maintenance of multi-use recreation trails (similar to the West Coast Wilderness Trail). He considers that these permitted activities should cut across all overlays except for perhaps wetlands layers. Permitted activities should have strict environmental conditions regarding things like, clearance width, earthworks volume limits /km etc.
248. I recognise the concern of the submitter that developing further trails is an important way to support visitor use and enjoyment of the West Coast environment. However, I do consider that this has been quite front of mind in developing the rules for TTPP – not just in ONFLs. Conservation Activities are a Permitted Activity in ONFLs. Rule NFL – R6 provides for 500m<sup>3</sup> of earthworks in a 12-month period which would be sufficient earthworks to create a significant track network. The vegetation clearance rules in the ECO chapter specifically allow for vegetation clearance for track formation. I also note that if such work is undertaken by the Department of Conservation, provided it is consistent with their Conservation Management Strategy and (where applicable) Park Management Plans, no land use consents are required regardless of the scale of the activity. I therefore support this submission in part – but do not propose any amendment as I consider the Plan already provides the relief sought by the submitter.
249. Buller District Council (S538.00644) seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support this submission in part. I agree that as much as possible the rules across ONLs and SNAs should be comparable – however it is important to recognise that ONLs are being managed for different values, and in particular visual, landscape, cultural and scientific values and that this can require differences in management approach.
250. Buller Conservation Group (S552.089) and Frida Inta (S552.089) seek that the restrictions on the area of earthworks be amended to be on a per site/or 4ha area, whichever is the larger. The submitter is concerned that earthworks of 500m<sup>3</sup> on a small site could be a proportionally large area, and that in multiple small sites this could lead to significant adverse effects on the values of an ONL.
251. I do not support these submissions. I have reviewed the extent of ONLs and the size of property that these cover across the West Coast. Because the mapping specifically excludes developed areas, the only locations where an individual ONL extends over a number of smaller sites outside of public conservation land is the ONL behind Cobden, at Iveagh Bay Lake Brunner and at Hannah’s Clearing. In the case of both the Hannah’s Clearing and Cobden properties, these are within the coastal environment, so this rule would not apply and the more restrictive provisions in the coastal environment would be in place. In the case of Iveagh Bay, there are only a handful of properties affected, and I consider that the benefits of making the rule more complex are insufficient to justify such an amendment.
252. Forest and Bird (S560.235) seeks an amendment to the standard that requires compliance with the ECO provisions for associated vegetation clearance. This is because indigenous vegetation clearance in an ONFL requires a resource consent. I consider that this is unnecessary, the Plan is already clear that where vegetation clearance is undertaken, that the ECO rules apply.
253. With regard to the submission S524.073 of Federated Farmers. I do not support this submission. This submission reflects the requirements of the National Planning Standards structure for district plans – where a separate Coastal Environment Chapter is required with the relevant provisions being in that location. This has made Plan drafting more complex, and advice notes have been used, with electronic linkages, directing people to the relevant rule that applies. There is an advice note in this rule doing this (Advice Note 3). Westpower Limited (S547.286) seeks to clarify this situation by proposing an amendment to the rule by adding “and this rule does not apply”. I support this in part, but I consider the appropriate location for this amendment is to the advice note, rather than the rule.

254. The Department of Conservation (S602.094) seeks four changes to this rule. Firstly they seek that the specific provisions for infrastructure and energy activities be deleted. Other submitters have also submitted on this part of the Rule – Manawa Energy (S428.096) seeks to amend the reference to energy activities undertaken by a network utility operator to renewable electricity generation activity. This is quite a different activity – and could effectively allow the construction of a major energy generation activity in an ONFL without resource consent. I do not support this as I consider that the rule was specifically targeting transmission and distribution activities, and that replacing this with renewable energy generation could lead to adverse effects on ONFL without appropriate assessment and management.
255. Waka Kotahi (S450.099) seeks an amendment to the rule to provide for transport infrastructure or to allow for earthworks undertaken by a statutory agency. I do not support expanding the rule to allow for all earthworks undertaken by a statutory agency as a Permitted Activity – this would be a very wide and uncontrolled expansion and could lead to unmanaged adverse effects. However, I do recognise that there are roads within the ONFL and that road maintenance, and upgrading generally requires earthworks. However, the scale of earthworks is important. ONFL generally traverse a rugged hill country and mountainous environment. Very large cuts to, for example, widen a road, can have visual effects that need to be carefully managed. I consider that it may be appropriate to provide for some earthworks to support the roading network in these locations, but do not have a sense of what might be appropriate parameters which would allow for maintenance and renewal, and potentially road sealing of gravel roads, but not major works with the risk of more than minor adverse effects. There is also no relevant rule in the Transport Chapter to support such a rule. I note that Waka Kotahi also hold Designations for their roading network, so I am unclear on the extent to which this is an actual issue for the organisation. I invite Waka Kotahi to provide information on this at the hearing.
256. With regard to the Department of Conservation submission point on this issue, I do not support this, in that there are existing transmission and infrastructure networks through some ONFL (particularly in South Westland and around the Paparoa Range) that need to operate. However, I acknowledge that this rule gives scope for these activities to do significant earthworks. These are linear networks and, for example, upgrading a transmission line, could incur earthworks at each tower site. I have consulted with the 3 district councils on their experience around current practice and their experience in relation to upgrades. They advise that for recent Transpower upgrades replacing towers with pi-pole structures, at each site the earthworks were in the range of 20-32m<sup>3</sup>.
257. The second part of the Department of Conservation submission point S602.094 seeks to reduce the volume of earthworks Permitted in an ONFL to 200m<sup>3</sup>/year. I agree 500 m<sup>3</sup> could be considered a large volume on a small site. There is some overlap in terms of the earthworks provisions in the District Wide Rules Chapter also to be considered. Those rules focus on area limits (and a maximum excavation depth), rather than volume limits as set out in the NFL chapter, but there is some interaction. For example, in the Natural Open Space Zone the District Wide Matters s42A report recommends that the maximum earthworks area is 250m<sup>2</sup> which translates to 375m<sup>3</sup> when the Permitted cut depth is considered. The Natural Open Space Zone only applies on public conservation land. For privately owned properties in the ONFL these will generally be zoned General Rural and the General Earthworks rules are very permissive in those locations.
258. Most ONFL are located on large properties, with approximately 50,000 ha of this being privately owned land, predominantly bush clad. In these instances, there is an attempt for the ONFL and ECO rules to interact with each other. I consider that in a bush environment, the most significant visual impact will be the vegetation clearance – and this is strictly regulated in the ECO chapter. I note also that almost all new buildings in ONFL also require resource consent.
259. If a resource consent has been gained for vegetation clearance, (and potentially a building) then I consider that earthworks in that location to (for example) establish a dwelling or other activity are a relatively minor part of the activity. As has been pointed out by some submitters there is still a cut/fill restriction in the Permitted Activity. I therefore do not support this part of the submission point.

260. The third part of the Department of Conservation submission point S602.094 seeks to delete the reference to earthworks associated with natural hazard mitigation activities being subject to rule NFL – R3. I support this as being consistent with my other recommendations in relation to that rule.
261. Forest and Bird (S560.235) seeks that a standard be included in this rule that requires compliance with the ECO provisions for any associated vegetation clearance. I do not support this submission as I do not consider this is necessary. Compliance with the ECO provisions is a requirement of the Plan. The overview section of this chapter also refers readers to the ECO provisions for vegetation clearance.
262. Birchfield Coal Mines Ltd (S601.048), Birchfield Ross Mining Limited (S604.042), TiGa Minerals and Metals Limited (S493) and WMS Group (HQ) Limited and WMS Land Co. Limited (S599) seek that minerals extraction, exploration and prospecting activities, be exempted from these rules – or that the definition of earthworks excludes these activities. I do not support this with regard to minerals extraction; however, I am aware that exploration and prospecting activities can be low impact and I would support these being provided for as a permitted activity. I invite the submitters to provide information at the hearing about what parameters for earthworks they consider would be appropriate for this activity.
263. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.048) seek the reference to the earthworks ancillary to an infrastructure activity being undertaken in accordance with INF – R7 be deleted. They consider that the clause is unnecessary. I have looked at this matter in relation to Rule EW – R1 which is also referenced in the rule, and I consider this provides sufficient management to ensure environmental effects of such earthworks are minor. I therefore support the submission. As a consequential amendment I consider the reference to energy activities and Rule ENG – R4 is also unnecessary as the definition of “infrastructure” includes energy activities.

#### **NFL – R7 Māori Purpose Activities**

264. Te Mana Ora (S190.352) support this rule. This support is noted.
265. Buller District Council (S538.0645) seeks a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support this submission in that I consider that the approach to Māori Purpose Activities in the Plan across SNAs and ONLs is very consistent.
266. Buller Conservation Group (S552.090) and Frida Inta (S553.090) seek that point 3 be amended to specifically state that this is subject to the rules in ECO and other rules and policies in NFL. I do not support these submissions as I do not consider this is necessary. Compliance with the ECO provisions is a requirement of the Plan. An advice note could be included but would be largely symbolic as cultural harvest of vegetation by Ngāi Tahu is also a Permitted Activity in the ECO chapter. In terms of the policies in NFL – this is a Permitted Activity and therefore an assessment of the policies is not undertaken.
267. Ngāi Tahu (S620.164) seeks an amendment to the rule name to clarify that it also applies to Poutini Ngāi Tahu activities. I support this as this omission is a drafting error.
268. Chris & Jan Coll (S558.123), Chris J Coll Surveying Limited (S566.123) William McLaughlin (S567.202) and Laura Coll McLaughlin (S574.123) seek that this rule be more enabling. No information on what aspect is of concern is provided, I therefore do not support these submissions.

#### **NFL – R8 Erection of a building or structure not otherwise provided for as a Permitted Activity**

269. Te Mana Ora (S190.353) and Federated Farmers of New Zealand (S524.074) support this rule. This support is noted.
270. Forest and Bird (S560.236) seeks that a standard be included in this rule that requires compliance with the ECO provisions for any associated vegetation clearance. I do not support this submission as I do not consider this is necessary. Compliance with the ECO provisions is a requirement of the Plan. The overview section of this chapter also refers readers to the ECO provisions for vegetation clearance.
271. New Zealand Defence Force (S519.032) seeks an additional permitted activity standard to allow for bridge/dam constructed as part of a temporary military training activity. I support

this in part in that a temporary bridge may be appropriate and I have also recommended that this be included in the Permitted Activity in the s42A Report for Natural Character and the Margins of Waterbodies. However, I consider that however without clear size restrictions and assessment of impacts on ONFL values a Permitted Activity for a dam in an ONL is not appropriate.

272. Ngāi Tahu (S620.165) seeks that a further permitted activity standard to allow for buildings associated with mahinga kai is provided. I support this in part, but rather than a separate standard I propose to include this in standard 6 – with such buildings having the same restrictions around height and gross floor area.
273. Horticulture New Zealand (S486.034) seeks deletion of the word “stock” in relation to water reticulation. I support this as I consider the effects of all water reticulation systems on ONFLs are similar.
274. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.049) seek to include underground lines or small network utility structures not exceeding 3m in height and 5m<sup>2</sup> in area. I support this as these are minor structures that are unlikely to generate more than minor adverse effects on ONFLs.
275. Manawa Energy (S438.097) seeks that the provision for small- scale renewable energy generation also allow for buildings with a gross floor area of up to 100m<sup>2</sup>. I support this in part as I consider it is consistent with the direction provided in the NPS Renewable Energy and also the WCRPS. However, I consider that this should be restricted to one small scale renewable energy generation activity per site within the Permitted standard.
276. The Department of Conservation (S602.095) seeks to delete the provision for new network utility structures within ONFLs. I do not support this. I consider that the NPS Renewable Energy, the NPS Electricity Transmission and the WCRPS all provide a framework that recognises the importance of these pieces of infrastructure. In particular I consider this is supported by Policies 3 and 6 of the Regionally Significant Infrastructure chapter of the WCRPS which state:

*Policy 3: When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

*Policy 6: Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment:*

*(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.*

*(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and the natural character of wetlands, and lakes and rivers and their margins outside the Coastal Environment.*

277. Buller Conservation Group (S552.091) and Frida Inta (S553.091) seek that the standard around parks facilities and park furniture within an ONFL located in the Open Space Zone should specify that this is minimal with a low visual impact. The definition of Parks Facilities is:

*means land or structures that facilitate the management of public open space, including:*



- a. *vehicle, machinery and equipment depots;*
- b. *storage sheds;*
- c. *public toilets, shelters and changing facilities;*
- d. *foot bridges and boardwalks;*
- e. *jetties and pontoons; and*
- f. *minor stormwater management devices such as rain gardens and swales.*

278. Most of the ONFL areas across the West Coast are under the management of the Department of Conservation. As is discussed above, the Department is not subject to the requirements of TTPP, provided they are acting within their other legislative requirements. Therefore, the main instance where this rule is likely to be triggered is the development of park facilities by volunteer groups under a license with the Department of Conservation. I consider that this process already provides a substantial range of checks around appropriateness of design and that there is not a need for an additional permitted activity standard. I therefore do not support this submission.

279. Westpower Limited (S547.297) seeks to widen the reference in standard 4 to network utilities to include all energy activities and to refer to Rule ENG – R4 for energy activities. I support this submission in part. I do not support widening the rule to all energy activities – which would substantially expand the range of Permitted Activities, but I do support that ENG – R4 may be more relevant for energy network utilities than rule INF – R7.

### **Recommendations**

280. That the following amendments be made to the Permitted Activity Rules in the NFL Chapter:

**NFL - R1** Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, railway, critical regionally significant infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

**NFL - R5** Additions or alterations to buildings and structures including upgrades to Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

1. The maximum height of any addition or alteration to buildings and structures above ground level is 5m; and
2. The maximum area of any addition is no greater than 50m<sup>2</sup>, or 10% of the total floor area, whichever is the greater; and
3. Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG - R4.

**NFL - R6** Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:
  - a. ~~An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or~~
  - b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;~~
3. For other earthworks, the following standards are complied with:
  - a. The cut height or fill depth does not exceed one metre vertically; and

- b. No more than 500m<sup>3</sup> of earthworks are undertaken/12 month period/site; and
- c. The earthworks are undertaken outside of the Coastal Environment.

**Advice Note:**

- ~~1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.~~
- ~~1.2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - CF.~~
- ~~2.3. Where activities are located in the Coastal Environment, the provisions are located in the Coastal Environment Chapter and this rule does not apply.~~

**NFL - R7** Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six.

Activity Status Permitted

**NFL - R8** Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five

Activity Status Permitted

Where the structure is:

- 1. A fence; or
- 2. Associated with ~~stock~~ water reticulation including tanks, pipes and water troughs; or
- 3. For parks facilities or parks furniture in any Open Space Zone; or
- 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 and for energy network utilities Rule ENG - R4; or
- 5. For a single small-scale renewable electricity generation activity per allotment with a maximum height above ground level of 5m where;
  - a. The maximum height is 5m above ground level; and
  - b. The gross floor area of any building does not exceed 100m<sup>2</sup>
- 6. For agricultural, pastoral and horticultural activities and mahinga kai activities or any accessory building where:
  - a. The maximum height is 3m above ground level; and
  - b. The gross floor area of any building does not exceed 100m<sup>2</sup>;
- 7. A bridge constructed as part of a Temporary Military Training Activity

281. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

**9.2 Activities requiring Resource Consent**

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Submissions Across Multiple Rules</b>			
William McLaughlin (S567)	S567.204	Support	Support Controlled Activities
William McLaughlin (S567)	S567.205	Support	Support Restricted Discretionary Activities

William McLaughlin (S567)	S567.206	Support	Support Discretionary Activities
Department of Conservation (S602)	S602.085	Amend	Add the following matters of control and discretion to all controlled and restricted discretionary NFL provisions: <u>Adverse effects on historical, cultural, and biodiversity values; Amenity and visual effects;</u>
<i>TiGa Minerals and Metals Limited</i>	<i>FS104.034</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Buller District Council</i>	<i>FS149.0114</i>	<i>Support</i>	<i>Allow</i>
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.185</i>	<i>Support</i>	<i>Allow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited</i>	<i>FS231.035</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Birchfield Coal Mines Ltd</i>	<i>FS232.042</i>	<i>Oppose</i>	<i>Disallow</i>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.169	Amend	The matters of control and discretion when assessing the impact of an activity on an ONL/ONF needs to include the associational values (including Tangata Whenua values) Include the following: Discretion is restricted to: <u>f. Identifying and avoiding impacts on Poutini Ngāi Tahu values</u>
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.170, S620.167, S620.168	Amend	If an activity is unable to comply with NFL-R11 then it is a discretionary activity. There are three discretionary activities within the notified plan but none relate to the activities managed by NFLR7 and NFL- R11.  Include the following new rule: <u>Poutini Ngāi Tahu and Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R11. Activity Status Discretionary Activity status where compliance not achieved: N/A</u>
Rocky Mining Limited (S474)	S474.005, S474.039	Amend	Include a restricted discretionary rule in the overlay chapters for mineral extraction, or at minimum activities with a functional and operational need – discretion should be restricted to the values of the particular overlay.

Papahaua Resources Limited (S500)	S500.029	Amend	seek that overlay chapters contain a restricted discretionary rule for mining, with discretion restricted to effects on the specific overlay or overlay values;
Margaret Montgomery (S446)	S446.003	Amend	The relevant rules across the natural environment chapters should be amended to restricted discretionary to allow for relevant rules to focus on the specific matters, while allowing private land owners the chance to apply for resource consent where appropriate.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.237, S560.238, S560.239 S560.241 S560.242	Amend	Amend controlled, restricted discretionary and discretionary rules to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance.
Buller District Council (S538)	S538.00647, S538.00648, S538.00649 S538.00651 S538.00650 S538.00652	Support	Council seeks that a consistent approach is taken with the rule framework for activities within ONLs and SNAs
<b>NFL – R10 Earthworks within an Outstanding Natural Landscape not meeting Rule NFL - R6</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.355	Support	Retain rule.
Bathurst Resources Limited and BT Mining Limited (S491)	S491.023	Amend	Amend Where: 1. These are for: <u>a. Earthworks within the MINZ or BCZ;</u> or <u>b. There is a functional or operational need for the activity to occur at this location;</u> or c. ...
Waka Kotahi NZ Transport Agency (S450)	S450.100	Support in part	Amend the rule to replace 'minimum' with a quantifiable measure.
<i>Buller District Council</i>	<i>FS149.009</i>	<i>Support</i>	<i>Allow</i>
Grey District Council (S608)	S608.604	Support in part	Amend the rule to replace 'minimum' with a quantifiable measure.
Russell and Joanne Smith (S477)	S477.009	Oppose	Delete controlled activity standard 2.
Stewart & Catherine Nimmo (S559)	S559.009	Oppose	Delete controlled activity standard 2.
Claire & John West (S506)	S506.009	Oppose	Delete controlled activity standard 2.

Joel and Jennifer Watkins (S565)	S565.016	Amend	Delete controlled activity standard 2.
Lauren Nyhan Anthony Phillips (S533)	S533.009	Oppose	Delete controlled activity standard 2.
Tim and Phaedra Robins (S579)	S579.016	Oppose	Delete controlled activity standard 2.
Tim Macfarlane (S482)	S482.009	Oppose	Delete controlled activity standard 2.
Manawa Energy Limited (Manawa Energy) (S438)	S438.099	Support in part	Amend NFL – R10 as follows: Activity Status Controlled Where: 1. These are for: a) Walking/cycling tracks; b) Roads, farm tracks or fences; c) Installation of network utility infrastructure; or d) Installation, <u>upgrade, operation, repair and maintenance</u> of a renewable electricity generation <u>activity facility</u> ; or e) Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; f) Protection of <u>critical regionally significant</u> infrastructure from natural hazards; and 2. Earthworks are the minimum required to undertake the activity. Discretion is restricted to: a) Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. Any physical measures required to mitigate the effects on values that make the feature or area outstanding <u>Landscape measures</u> . Activity Status where compliance not achieved: Restricted Discretionary
Westpower Limited (S547)	S547.300	Amend	(1) Amend item c., "c. Installation of ... infrastructure, <u>including energy activities</u> ." (2) Amend item d., "Installation of a ... generation <u>activity</u> ; or". (3) Remove "Discretion is restricted to:" and replace with " <u>Matters of control are:</u> ". (4) Amend advice note 1., "1. For earthworks ... Environment Rules, and <u>this rule does not apply</u> ."
Department of Conservation (S602)	S602.097	Oppose	Amend: Activity Status <del>Controlled</del> <u>Restricted Discretionary</u> Where: 1. These are for: a. Walking/cycling tracks; b. Roads, farm tracks or fences; c. Installation of network utility infrastructure; or d. Installation of a

			renewable electricity generation facility; or e, Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; and f. <u>Protection of critical infrastructure from natural hazards</u>  <del>2. Earthworks are the minimum required to undertake the activity...</del> Discretion is restricted to: Any requirements for landscape evaluation; Managing effects on public access and natural character; Effects on the values that make the feature Outstanding; Extent and design of earthworks; <u>Effects on historical, cultural, and biodiversity values; Amenity and visual effects;</u> and Landscape measures. Activity status where compliance not achieved: Discretionary
<i>Westpower Limited</i>	<i>FS222.089</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.507	Support	Amend to make restricted discretionary.
<b>NFL – R11 Māori Purpose Activities not meeting Rule NFL - R7</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.356	Support	Retain rule.
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.168	Amend	Amend the rule as follows: NFL - R11 <u>Poutini Ngāi Tahu Activities</u> , Māori Purpose activities within ....
<b>NFL – R12 Buildings or Structures and associated Earthworks not meeting Permitted Activity rules.</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.357	Support	Retain rule.
Buller Conservation Group (S552)	S552.092	Amend	Make rule discretionary, not restricted discretionary.
Frida Inta (S553)	S553.092	Amend	Make rule discretionary, not restricted discretionary.
Manawa Energy Limited (Manawa Energy) (S438)	S438.100	Support in part	Amend NFL – R12 as follows: Buildings or Structures and associated Earthworks within an Outstanding Natural

			Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules or NFL – R10. Discretion is restricted to: a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the feature Outstanding; d. Extent and design of earthworks; and e. <del>Landscape measures</del> e. Any physical measures required to mitigate the effects on values that make the feature or area outstanding; f. <u>Any functional or operational needs that relate to the proposal and its location</u> ; g. <u>Any matters of public safety</u> .
Westpower Limited (S547)	S547.303	Amend	Amend 3.a. <del>A network activity</del> <u>Energy activities and infrastructure, including critical infrastructure.</u>
Westpower Limited (S547)	S547.304	Amend	Add f. <u>The technical, locational, functional or operational constraints or requirements of energy activities and infrastructure, including critical infrastructure and renewable energy generation activities.</u>
Westpower Limited (S547)	S547.305	Amend	g. <u>The benefits arising from the proposed activity.</u>
<b>NFL – R13 Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.358	Support	Retain rule.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.240	Oppose	Amend to make activity non-complying.
<b>NFL – R14 Buildings and Structures not meeting Permitted, Controlled or Restricted Discretionary rules</b>			
Catherine Smart-Simpson (S564)	S564.041	Support	Retain
Geoff Volckman (S563)	S563.035	Support	Retain
John Brazil (S360)	S360.012	Support	Retain as notified.
Karamea Lime Company (S614)	S614.057	Support	Retain
Koiterangi Lime Co LTD (S577)	S577.048	Support	Retain

Manawa Energy Limited (Manawa Energy) (S438)	S438.101	Support	Retain NFL – R14 as notified.
Peter Langford (S615)	S615.057	Support	Retain
Steve Croasdale (S516)	S516.046	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.359	Support	Retain rule.
Westpower Limited(S547)	S547.306	Amend	Retain
<b>NFL – R15 Earthworks and Natural Hazard Mitigation Activities not meeting Permitted or Restricted Discretionary Rules</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.360	Support	Retain rule.
Westpower Limited (S547)	S547.307	Amend	Retain
Catherine Smart-Simpson (S564)	S564.042	Support	Retain
Geoff Volckman (S563)	S563.036	Support	Retain
John Brazil (S360)	S360.035	Support	Retain R15
John Brazil (S360)	S360.036	Support	Retain as notified
Karamea Lime Company (S614)	S614.058	Support	Retain
Koiterangi Lime Co LTD (S577)	S577.049	Support	Retain
Steve Croasdale (S516)	S516.047	Support	Retain
Peter Langford (S615)	S615.058	Support	Retain
New Zealand Coal & Carbon Limited (S472)	S472.021	Support	Retain the Discretionary activity status of NFL-R15
New Zealand Coal & Carbon Limited (S472)	S472.022	Oppose in part	In the heading insert "Controlled" after the word "Permitted".
Straterra (S536)	S536.052	Amend	In the heading insert "Controlled" after the word "Permitted".
Straterra (S536)	S536.027	Amend	Review the wording/logic of the rule



## Analysis

### Submissions Across Multiple Rules

282. William McLaughlin (S567.204, S567.205 and S567.206) supports these rules. This support is noted.
283. Department of Conservation (S602.085) seeks the following matters of control and discretion be added to all controlled and restricted discretionary NFL provisions: Adverse effects on historical, cultural, and biodiversity values; Amenity and visual effects. I support this. These proposed matters of control are important matters of consideration that are not currently identified in these rules.
284. Ngāi Tahu (S620.169) seeks that matters of control and discretion when assessing the impact of an activity on ONFL needs to include "identifying and avoiding impacts on Poutini Ngāi Tahu values". I support this and note that Ngāi Tahu have also sought to specifically identify within Schedules 5 and 6 what these values are, which would assist a consent applicant undertaking this assessment.
285. Ngāi Tahu (S620.168) identify a drafting error in the Plan where there is no escalation rule from NFL – R11. They propose the addition of the appropriate Discretionary Activity rule. I support this as it addresses a drafting error in the Plan.
286. Rocky Mining Limited (S474.005, S474.039) and Papahaua Resources Limited (S500.029) seek the addition of a new Restricted Discretionary Activity rule for mineral extraction. Currently this activity would be subject to Rules NFL 14 for any buildings and structures and NFL 15 for earthworks associated with mineral extraction. I do not support these submissions. I acknowledge that mineral extraction is an activity that has the potential to occur in many locations that are identified as ONLs. However, I do not consider that the strategic direction to support mineral extraction, when read with the other strategic directions, outweighs section 6 of the RMA. I acknowledge that there are examples of mineral extraction done well and rehabilitated to a high standard, and where this occurs the visual, amenity and landscape effects can be short term, but I consider that the uncertainty associated with this activity and its effects when balanced against the s6 directives mean a Discretionary Activity status is the most appropriate.
287. Margaret Montgomery (S446.003) seeks a downgrading of the Discretionary activity rules to Restricted Discretionary across all rules. I do not consider this is appropriate. Case law on landscape matters is fairly extensive and it is clear that the section 6 directive to protect ONFLs is very strong towards protection. There is a considerable overlap spatially between the areas of ONFL and the likely future SNAs across the West Coast. ONFLs also need to be managed with an awareness of the impacts of activities on a wide range of values – landscape, cultural, biodiversity and visual amenity. I consider that a Discretionary Activity consent retains a pathway for landowners to apply for, and be granted a resource consent for their activity, but ensures a high degree of oversight, that the ONFL status warrants, is able to be provided.
288. Forest and Bird (S560.237, S560.238, S560.239 S560.241, S560.242) seeks that these rules be amended to include a standard that requires compliance with the ECO provisions for any associated vegetation clearance. I do not support these submission as I do not consider this is necessary. Compliance with the ECO provisions is a requirement of the Plan. The overview section of this chapter also refers readers to the ECO provisions for vegetation clearance.
289. Buller District Council (S538.00647, S538.00648, S538.00649 S538.00651 S538.00650, S538.00652) seeks a consistent approach is taken with the rule framework for activities within ONLs and SNAs. I support these submissions in part, but also acknowledge that the values being managed are different for the two types of overlays and this may require differences in the rules. I have thought carefully about the consistency and ease of plan interpretation in what is a complex area and will discuss this as appropriate in relation to other submissions. I have also considered my responses and recommendations in the Natural Character of Waterbodies s42A report and where possible and appropriate also tried to have a consistent approach when compared to these rules.

### NFL – R10 Earthworks not meeting Rule NFL – R6

290. Te Mana Ora (S190.355) support this rule. This support is noted.

291. Bathurst Resources Limited (S491.023) seeks that this rule also apply where these are for earthworks within the MINZ or BCZ, or where there is a functional or operational need for the activity to occur at this location. While I do not support this as a Controlled Activity, I do consider that there is merit in the argument that in the special MINZ and BCZ zone, that the expectation is that mineral extraction will occur in these areas, with appropriate management of adverse effects. I consider therefore that it is reasonable that a Restricted Discretionary approach could be considered for these zones. This would allow for a good degree of rigor in assessment and retain the ability for consent to be declined if the application of the effects management hierarchy was not able to sufficiently manage adverse effects.
292. In terms of the locations where this situation would arise – and such a rule apply I have identified the following locations where there is an overlap of the proposed Plan ONLs and Mineral Extraction Zone.
- Dunganville Mineral Extraction Zone
  - Buller Coalfield Zone: Denniston Plateau – Escarpment Mine and Te Kuha Mine
  - Reefton Mineral Extraction Zone
  - Inangahua Mineral Extraction Zone
  - Paparoa Range – Paparoa Coalfield Mineral Extraction Zone
293. However due to timing issues with getting the GIS maps updated, I have not been able to check if that is altered with the Brown Limited September 2022 update. I hope to be able to update the Commissioners on this matter at the hearing.
294. I therefore support this submission in part, in that I consider a Restricted Discretionary Activity for earthworks within ONLs in the MINZ and BCZ would be appropriate. With regard to ONFs however I do not support any reduction in stringency. There are currently no ONFs in a mineral extraction zone, but they do represent nationally and internationally significant geological features. I do not consider that providing for mineral extraction in ONFs is appropriate. With regard to the question about whether there is a functional or operational need for the activity to locate in the ONL, I consider that this is too wide a description for a rule. I prefer specific identification of types of activities rather than a general, and therefore somewhat uncertain, term. Rather than amendment to this rule however, I recommend the inclusion of a new rule specifically around mineral extraction in ONLs in these zones – I have drafted a rule as NFL - R10A. I also consider that a consequential amendment to the title of Rule NFL – R15 is required to include the words “mineral extraction”.
295. Waka Kotahi (S450.100) and Grey District Council (S608.604) seek that the rule replace ‘minimum’ with a quantifiable measure. They do not propose a specific volume however, and I do not have a good basis to make any recommendation on this. I therefore do not support these submissions. Russell and Joanne Smith (S477.009), Stewart & Catherine Nimmo (S559.009), Claire & John West (S506.009), Joel and Jennifer Watkins (S565.016), Lauren Nyhan Anthony Phillips (S533.009), Tim and Phaedra Robins (S579.016) and Tim Macfarlane (S482.009) seek the deletion of the controlled activity standard 2. The Department of Conservation (S602.097) also seeks as part of their submission point to delete the standard. Given that I have no basis to recommend a volume, I support these submissions, as the standard is uncertain.
296. Manawa Energy (S438.099) seeks that this rule be explicit in that it applies to operation, maintenance, repair and upgrade of renewable energy generation – not just installation. I support this as it clarifies the rule. They also seek a change from the word “facility” to “activity” in relation to renewable energy. I also support this as it is a drafting error. Westpower Limited (S547.300) also include this point in their submission. They seek the replacement of “critical” infrastructure with “regionally significant” infrastructure. I support this as a consequential amendment from recommendations in the Energy, Infrastructure and Transport s42A recommendations. Manawa Energy also seeks deletion of the matter of control/discretion “landscape measures” presumably because they feel it overlaps with some of the other matters of control/discretion. I do not support this part of the submission as I consider this is sufficiently different to the other matters to be included separately. Overall, I support the Manawa Energy submission in part.
297. Westpower Limited (S547.300) seeks that the rule be amended to: refer to “including energy activities” alongside the words “infrastructure”. I do not support this for the reasons outlined in Section 8.2 and in relation to other submissions seeking this amendment. This submitter

also seeks an amendment to advice note 1 clarifying that “this rule does not apply” in the coastal environment. I support this in part as a helpful way to clarify the rule to the Plan user but I propose alternative wording that I consider is clearer. This would see the reference in the rule itself deleted and an amendment to the Advice Note.

298. Westpower Limited (S547.300) seeks that wording “Discretion is restricted to” is replaced with “Matters of control are” as they identify this as a drafting error. However, the Department of Conservation (S602.097) and Forest and Bird (S560.507) seek that this rule be a Restricted Discretionary rather than Controlled Activity. The Department of Conservation also seeks the addition of additional matters of Control/Discretion. I support these additional matters of discretion, and this is consistent with my recommendations on S602.085.
299. In relation to whether the rule should be a Controlled or Restricted Discretionary Activity, I have considered the arguments of these submitters - that earthworks not sensitively designed and located can have more than minor adverse effects on ONL and ONF values and should therefore not be subject to a rule where the application must be granted. I have also considered consistency of approach – as I have taken in the s42A report for Natural Character of Waterbodies, and also in relation to the other Controlled Activity in the ONFL rules in relation to Natural Hazards. Alongside this I have considered Rule NFL – R12 which requires most buildings and structures – and associated earthworks to be a Restricted Discretionary Activity. In light of these matters, I support the submissions of Forest and Bird and the Department of Conservation and agree this rule should be a Restricted Discretionary Activity.

#### **NFL – R11 Māori Purpose Activities not meeting Rule NFL - R7**

300. This rule is supported by Te Mana Ora (S190.356). This support is noted.
301. Ngāi Tahu (S620.168) seeks that the rule be amended to refer to Poutini Ngāi Tahu Activities as well. I support this as its omission is a drafting error.

#### **NFL – R12 Buildings or Structures and associated Earthworks not meeting Permitted Activity rules.**

302. This rule is supported by Te Mana Ora (S190.357). This support is noted.
303. Buller Conservation Group (S552.092) and Frida Inta (S553.092) seek that this rule should be a Discretionary Activity not a Restricted Discretionary Activity. I do not support this. I have carefully considered the degree of restriction of activities within this s42 A report and also the direction provided by the RMA and WCRPS. I consider that provided there are clear and appropriate matters of discretion, that there are a range of potentially appropriate activities that can be located in ONFL without degradation of the values that together make these outstanding. I also consider that in light of the large extent of ONFL across the West Coast, there will be a functional and operational need for activities to occur in these areas. I also consider that there needs to be a reasonably clear path for appropriately designed and located residential activities, where a subdivision has been approved for this purpose.
304. Manawa Energy (S438.100) seeks a consequential amendment to refer to Rule NFL – R10 that is not necessary with my recommendation that that rule be a Restricted Discretionary Activity. They also seek the deletion of the “landscape measures” matter of discretion as they consider it overlaps with other matters of discretion. I do not support this. I consider landscape measures could include things like planting or requirements on the colour or reflectance of materials that may not be immediately obvious to the Plan user in relation to the other matters of discretion. Manawa Energy also seeks additional matters of discretion around “the functional or operational needs that relate to the proposal and its location”, and “any matters of public safety”. I support these additions as I note they may be very relevant matters in relation to the design and location of infrastructure and renewable energy generation activities. I therefore support the Manawa Energy submission in part.
305. Westpower Limited (S547.303) seeks that 3 a. be amended to refer to “energy activities and infrastructure, including critical infrastructure”. I do not support the inclusion of the term “energy activities” as this is not consistent with the drafting approach the s42A authors have agreed upon and all activities within the definition of energy activities are caught by other definitions. I also do not consider the provision for wholesale inclusion of construction of new critical infrastructure/regionally significant infrastructure as a Restricted Discretionary Activity is appropriate in an ONFL. The rule specifically recognises renewable energy generation – and

there is clear national direction on this. It also provides for network utilities and Westpower is a network utility operator.

306. Westpower Limited (S547.304) seeks to add a matter of discretion "The technical, locational, functional or operational constraints or requirements of energy activities and infrastructure, including critical infrastructure and renewable energy generation activities". I consider the addition of "the functional or operational needs that relate to the proposal and its location" as I have recommended in response to the Manawa Energy submission (S438.100) to be the appropriate wording and this is consistent with the approach I have taken in this s42A report and others. I therefore support this submission in part.
307. Westpower Limited (S547.305) seeks that "the benefits arising from the proposed activity" be a matter of discretion. NFL – P5(h) provides for consideration of positive effects so this would be consistent with that policy. It also is consistent with the direction in the WCRPS. I therefore support this.

#### **NFL - R13 Afforestation with Plantation Forestry**

308. Te Mana Ora (S190.358) support this rule.
309. Forest and Bird (S560.240) seeks that the rule be made a Non-complying Activity. I support this. I consider that plantation forestry could have very significant adverse effects on the values of ONFL – both when the trees are growing, and then most particularly during harvest, as this is generally a clearfell activity, with associated landings, roads and sediment management infrastructure.

#### **NFL – R14 Buildings and Structures not meeting Permitted, Controlled or Restricted Discretionary Rules**

310. Ten submitters support this rule. This support is noted.
311. I note that as a consequential amendment to making the two Controlled Activity ONFL rules Restricted Discretionary, a change to the rule title to delete the reference to Controlled Activities is required.

#### **NFL – R15 Earthworks and Natural Hazard Mitigation Activities not meeting Permitted or Restricted Discretionary Rules**

312. Eleven submitters support this rule. This support is noted.
313. New Zealand Coal & Carbon Limited (S472.022) and Straterra (S536.052) seek the insertion of the word "Controlled" into the rule. Straterra (S536.027) query the wording/logic of the rule. As I do not recommend that there are any Controlled Activity rules in ONFL I do not support these submissions.

#### **Recommendations**

314. That the following amendments be made to the Rules in the NFL Chapter:

**NFL - R10** Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R6

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

1. These are for:
  - a. Walking/cycling tracks; or
  - b. Roads, farm tracks or fences; or
  - c. Installation of network utility infrastructure; or
  - d. Installation, Upgrade, Maintenance, Operation and Repair of a renewable electricity generation ~~facility~~ activity; or
  - e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; or
  - f. Protection of ~~critical~~ regionally significant infrastructure from natural hazards; ~~and~~

~~2. Earthworks are the minimum required to undertake the activity.~~

**Discretion is restricted to:**

- a. Any requirements for landscape evaluation;
- b. Managing adverse effects on historical, cultural, and biodiversity values;
- c. Amenity and visual effects;
- d. Managing effects on public access and natural character;
- e. Effects on the values that make the feature Outstanding;
- f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values
- g. Extent and design of earthworks; and
- h. Landscape measures.

**Advice Note:**

1. ~~Within the Coastal Environment, For rule NFL – R10 earthworks within Outstanding Natural Features and Landscapes does not apply. in the Coastal Environment~~ Refer to the Coastal Environment Rules.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PCE.

**NFL 10A** Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule 5.

Activity Status Restricted Discretionary

Where:

1. These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and
2. This includes earthworks and buildings associated with the activity.

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. Managing adverse effects on historical, cultural, and biodiversity values;
- c. Amenity and visual effects;
- d. Managing effects on public access and natural character;
- e. Effects on the values that make the feature Outstanding;
- f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;
- g. Extent and design of earthworks; and
- h. Landscape measures.

Activity status where compliance not achieved: Discretionary

**NFL - R11** Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7

Activity Status Restricted Discretionary...

**NFL - R12**

Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules

...

**Discretion is restricted to:**

- a. Any requirements for landscape evaluation;
- b. Managing adverse effects on historical, cultural, and biodiversity values;
- c. Amenity and visual effects;
- d. Managing effects on public access and natural character;
- e. Effects on the values that make the feature Outstanding;
- f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;
- g. Extent and design of earthworks; ~~and~~
- h. Landscape measures;
- i. Any functional or operational needs that relate to the proposal and its location;
- j. Any matters of public safety; and
- k. Any positive effects at a local, regional or national level.

...

**NFL - R13** Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature

Activity Status ~~Discretionary~~ Non-complying

...

**NFL - R14** Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, ~~Controlled~~ or Restricted Discretionary rules

...

**NFL - R15** Earthworks, Mineral Extraction and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules

...

315. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 10.0 Submissions on Subdivision within Outstanding Natural Landscapes

### *Submissions on Rule SUB – R11*

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.426	Support	Retain rule.
Buller Conservation Group (S552)	S552.119	Amend	Change activity status to Discretionary

Department of Conservation (S602)	S602.126	Oppose	Amend Rule SUB-R11: Status Restricted Discretionary...
<i>Davis Ogilvie &amp; Partners Ltd</i>	<i>FS154.030</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Chris J Coll Surveying Ltd</i>	<i>FS151.025</i>	<i>Oppose</i>	<i>Disallow</i>
Frida Inta (S553)	S553.119	Amend	change activity status to Discretionary
<i>Chris J Coll Surveying Ltd</i>	<i>FS151.018</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council (S538)	S538.258	Support in part	To add: Natural Hazards or geotechnical considerations.
Grey District Council (S608)	S608.641	Support in part	Reword the rule as follows: c. The provision of infrastructure and services for <u>transport</u> , drinking water, wastewater and stormwater, telecommunications and energy.
Westpower Limited (S547)	S547.380	Amend	Add <u>g. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.</u>
Westpower Limited (S547)	S547.381	Amend	Add <u>h. Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities.</u>
Laura Coll McLaughlin (S574)	S574.232	Amend	Amend wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris & Jan Coll (S558)	S558.232	Amend	Amend wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Chris J Coll Surveying Limited (S566)	S566.232	Amend	Amend wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
William McLaughlin (S567)	S567.301	Amend	Amend wording "size, design, shape, location and layout of allotments" under point b. to instead refer to 15mx15m building platform or similar defined specification that is more certain.
Laura Coll McLaughlin (S574)	S574.233	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point f.

Chris & Jan Coll (S558)	S558.233	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point f.
William McLaughlin (S567)	S567.302	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point f.
Chris J Coll Surveying Limited (S566)	S566.233	Amend	Delete "and the need for access to be provided to any esplanade reserve or strip created" from point f.

### *Analysis*

316. SUB – R11 allows for subdivision in an ONFL where this is not in the Coastal Environment or an SNA in Schedule Four.
317. Te Mana Ora (S190.426) support this rule. This support is noted.
318. Buller Conservation Group (S552.119), Frida Inta (S553.119) and the Department of Conservation (S602.126) seek that the activity status be changed to full Discretionary. They argue that subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed. These patterns directly affect natural landscapes and features and subdivision within outstanding areas should therefore be a fully discretionary activity.
319. I have considered how other modern District Plans deal with this. Selwyn District, Waimakiriri District, Far North District and Central Hawkes Bay Districts all have a specific Discretionary Activity rule for subdivision in an ONL. Porirua City allows for 1 x40 ha lot as a Restricted Discretionary Activity. New Plymouth City and Timaru Districts do not have a specific rule for ONLs but all subdivision in rural zones is Discretionary in New Plymouth, and Restricted Discretionary with a minimum lot size of 40ha in Timaru, otherwise it is non-complying.
320. I do note that none of those Councils have the number and extent of ONLs that are found on the West Coast. Tasman District is perhaps the most similar situation to the West Coast, with very extensive areas of ONLs. In this district, subdivision is either restricted discretionary or discretionary depending on the rural zone type. Assessment criteria and policy are the main ways in which landscape matters are dealt with through subdivision.
321. When developing the Plan, the subdivision provisions have taken a cascade approach with subdivision most restrictive where it affects scheduled areas in the coastal environment. I consider this is appropriate and consistent with the direction in the NZCPS. Most of the locations where subdivision of ONLs is likely to be desired, are in the coastal environment. Where these are ONLs they are also either high or outstanding natural character and subdivision is a Discretionary Activity under Rule SUB -R16. I therefore consider that the coastal environment subdivision rules already address the submitter concerns.
322. In considering these submissions I am also mindful that the Plan has a layer of restrictions through the ONFL and ECO chapters alongside the Coastal Environment chapter that all place quite a high degree of management on activities that affect the natural environment. I consider therefore that, provided the matters of restriction do allow for an assessment against the policies of the Plan, that a Restricted Discretionary Activity is appropriate.
323. Therefore, I do not support the submissions of DOC, Buller Conservation Group and Frida Inta on this matter.
324. Buller District Council (S608.641), Grey District Council (S608.641) and Westpower Limited (S547.380 and S547.381) seek additional matters of discretion. I support the submission of Buller District Council which seeks to add geotechnical and natural hazard considerations, as these are highly relevant in the predominantly hilly ONLs. I also support the submission of Grey District Council which seeks to make infrastructure requirements clear. I do not support the submission point S547.380 seeking a specific matter of discretion around easements – I consider this is well covered by subdivision standard S10. I do support the reference to reverse sensitivity effects on existing land uses – however I propose a different wording that is more consistent with other drafting of the Plan.
325. Laura Coll McLaughlin (S574.232), Chris & Jan Coll (S558.232), Chris J Coll Surveying Limited (S566.232) and William McLaughlin (S567.301) seek that the wording "size, design, shape,



location and layout of allotments” under point b instead refer to 15mx15m building platform or similar defined specification that is more certain. At this point in time, I do not support these submissions as I am not clear on the reasons for this proposed amendment and invite the submitters to provide more information at the hearing.

326. Laura Coll McLaughlin (S574.233), Chris & Jan Coll (S558.233), Chris J Coll Surveying Limited (S566.233) and William McLaughlin (S567.302) also seek that “and the need for access to be provided to any esplanade reserve or strip created” be deleted from point f. No reasons are provided by these submitters for this change, therefore I do not support these submissions as I am not clear on the reasons for this proposed amendment and invite the submitters to provide more information at the hearing.

### *Recommendations*

327. That the following amendments be made to Rule SUB – R11.

#### **Discretion is restricted to:**

- a. Matters outlined in Policies NFL P1 – NFL -P9 as relevant;
- b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;
- c. The size, design, shape, location and layout of allotments;
- d. The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. Measures to address any natural hazards or geotechnical constraints;
- g. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;
- h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and
- i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

328. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## **11.0 Submissions on Schedules Five and Six and the associated Planning Maps**

### *Submissions on Schedule 5 ONLs*

<b>ONL Reference</b>	<b>Submitter Name / ID</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.402	Support	Retain schedule.
	Chris & Jan Coll (S558)	S558.706	Support	Retain
	Chris J Coll Surveying Limited (S566)	S566.706	Support	Retain
	Laura Coll McLaughlin (S574)	S574.706	Support	Retain

	Peter Langford (S615)	S615.228	Support	Retain as notified
	Steve Croasdale (S516)	S516.156	Support	Retain
	Grey District Council (S608)	S608.360 S608.361 -	Support	Retain as notified Retain individual ONLs
	Karamea Lime Company (S614)	S614.228	Support	Retain as notified
	William McLaughlin (S567)	S567.732	Support	Retain
ALL	Te Tai o Poutini Plan Committee (S171)	S171.001	Amend	Amend the extent of the area of Outstanding Natural Landscape overlays in the Plan to reflect the updated boundaries for the Outstanding Natural Landscape where these cover a lesser land area than the proposed plan maps, as identified in the Brown Ltd September 2022 mapping [refer attached maps]
	<i>Royal Forest &amp; Bird Protection Society of NZ Inc. (Forest &amp; Bird)</i>	<i>FS34.0010</i>	<i>Support in part</i>	<i>Allow in part</i>
	<i>Grey District Council</i>	<i>FS1.314</i>	<i>Support</i>	<i>Allow</i>
	Buller District Council (S538)	S538.220	Support in part	Council requests that careful consideration is given to any individual submissions regarding the land use implications of any ONFL overlay and the accuracy of the ONFLs boundaries.
NO ONL	Shirley Godfrey (S390)	S390.003	Support in part	Continue to not include the Koiterangi Lime company quarry at Lots 1 2 DP 315 SECS 2 3 SO11712 BLK I TOAROHA S in any Outstanding Natural Landscape.
NO ONL	Koiterangi Lime Co LTD (S577)	S577.137	Support	Parcels owned by Koiterangi Lime Co Ltd to remain excluded.
NO ONL	John Brazil (S360)	S360.094	Support in part	Lot 1 DP 336364 (i.e. 261 Utopia Road Westport) to remain excluded

NO ONL	Gordon Bradley (S34)	S34.002	Oppose	We do not agree with restrictions placed on the remainder of our titles of RS2720 and RS2722 or any other sections we may own. [property addresses 715 Arnold Valley Road, 99 Blair Road and adjacent properties- Arnold Valley]
	<i>Grey District Council</i>	<i>FS1.013</i>	<i>Support</i>	<i>Allow</i>
	<i>Paparoa View Farm</i>	<i>FS121.002</i>	<i>Support</i>	<i>Allow</i>
NEW	Karen Lippiatt (S439)	S439.008	Amend	Include Denniston Plateau in an ONL.
NO ONL	Catherine Smart-Simpson (S564)	S564.171	Support	Lot 1 DP 483059, Section 1 SO 15488, Section 50 Blk IX Oparara SD to remain excluded.
NO ONL	Geoff Volckman (S563)	S563.162	Support	Lot 1 DP 483059, Section 1 SO 15488, Section 50 Blk IX Oparara SD to remain excluded.
NEW	Fernando Tarango (S342)	S342.001	Amend	Include "The Pyramid" feature at Karamea as an Outstanding Natural Landscape
	<i>Karamea Community Incorporated</i>	<i>FS125.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>William McLaughlin</i>	<i>FS148.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Nathan Simpson</i>	<i>FS156.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Geoff Volckman</i>	<i>FS157.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kathleen Beveridge</i>	<i>FS158.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Beveridge</i>	<i>FS159.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Frans Volckman</i>	<i>FS160.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Tom Murton</i>	<i>FS161.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maryann Volckman</i>	<i>FS162.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kylie Volckman</i>	<i>FS163.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Barbara Bjerring</i>	<i>FS164.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brian Patrick Jones</i>	<i>FS165.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bryan Rhodes</i>	<i>FS166.003</i>	<i>Oppose</i>	<i>Disallow</i>

	<i>Frank Bjerring</i>	<i>FS167.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jane Garrett</i>	<i>FS168.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Allwyn Gourley</i>	<i>FS169.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bevan Langford</i>	<i>FS170.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shaun Rhodes</i>	<i>FS171.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jack Simpson</i>	<i>FS172.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Roger Gibson</i>	<i>FS173.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rachel Shearer</i>	<i>FS174.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gareth Gulebreten</i>	<i>FS175.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Charlotte Aitken</i>	<i>FS176.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Glen Kingan</i>	<i>FS177.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Hayden Crossman</i>	<i>FS178.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Susan Waide</i>	<i>FS179.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Desirae Bradshaw</i>	<i>FS180.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Andrew Bruning</i>	<i>FS181.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marty Syron</i>	<i>FS182.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kelvin Jeff Neighbours</i>	<i>FS183.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>J &amp; M Syron Farms</i>	<i>FS184.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michelle Joy Stevenson</i>	<i>FS185.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marnie Stevenson</i>	<i>FS186.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sophie Fox</i>	<i>FS187.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Ed Tinomana</i>	<i>FS188.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Dave Webster</i>	<i>FS189.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Aidan Corkill</i>	<i>FS190.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shanae Douglas</i>	<i>FS191.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Danielle O'Toole</i>	<i>FS192.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Aimee Milne</i>	<i>FS193.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michael O'Regan</i>	<i>FS194.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Neal Gallagher</i>	<i>FS195.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Arthur Neighbours</i>	<i>FS196.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Mat Knudsen</i>	<i>FS197.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brendon Draper</i>	<i>FS198.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Matthew Thomas</i>	<i>FS199.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Philip O'Connor</i>	<i>FS200.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Tracy Moss</i>	<i>FS201.003</i>	<i>Oppose</i>	<i>Disallow</i>

	<i>James Dunlop Stevenson</i>	<i>FS202.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Murray Aitken</i>	<i>FS203.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joel Hands</i>	<i>FS204.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Peter Hands</i>	<i>FS205.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Patrick John Hands</i>	<i>FS206.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jackie O'Connor</i>	<i>FS207.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Douglas</i>	<i>FS208.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gary Donaldson</i>	<i>FS209.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joy Donaldson</i>	<i>FS210.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Selwyn Lowe</i>	<i>FS211.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sheryl Marie Rhind</i>	<i>FS212.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Stewart James Rhind</i>	<i>FS213.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rosalie Sampson</i>	<i>FS123.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>John Milne</i>	<i>FS225.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jo-Anne Milne</i>	<i>FS226.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jessie Gallagher</i>	<i>FS227.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Cheryl Gallagher</i>	<i>FS228.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Margaret Jane Milne</i>	<i>FS229.003</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Chris Lowe</i>	<i>FS238.003</i>	<i>Oppose</i>	<i>Disallow</i>
NEW	Lanah Hake Tarango (S337)	S337.002	Amend	Include the entry to the Kahurangi National Park/Fenian Track referred to as "The Pyramid" within an outstanding natural landscape.
	<i>Karamea Community Incorporated</i>	<i>FS125.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>William McLaughlin</i>	<i>FS148.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Nathan Simpson</i>	<i>FS156.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Geoff Volckman</i>	<i>FS157.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kathleen Beveridge</i>	<i>FS158.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Beveridge</i>	<i>FS159.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Frans Volckman</i>	<i>FS160.002</i>	<i>Oppose</i>	<i>Disallow</i>

	<i>Tom Murton</i>	<i>FS161.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maryann Volckman</i>	<i>FS162.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kylie Volckman</i>	<i>FS163.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Barbara Bjerring</i>	<i>FS164.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brian Patrick Jones</i>	<i>FS165.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bryan Rhodes</i>	<i>FS166.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Frank Bjerring</i>	<i>FS167.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jane Garrett</i>	<i>FS168.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Allwyn Gourley</i>	<i>FS169.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bevan Langford</i>	<i>FS170.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shaun Rhodes</i>	<i>FS171.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jack Simpson</i>	<i>FS172.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Roger Gibson</i>	<i>FS173.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rachel Shearer</i>	<i>FS174.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gareth Guglebreten</i>	<i>FS175.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Charlotte Aitken</i>	<i>FS176.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Glen Kingan</i>	<i>FS177.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Hayden Crossman</i>	<i>FS178.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Susan Waide</i>	<i>FS179.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Desirae Bradshaw</i>	<i>FS180.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Andrew Bruning</i>	<i>FS181.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marty Syron</i>	<i>FS182.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kelvin Jeff Neighbours</i>	<i>FS183.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>J &amp; M Syron Farms</i>	<i>FS184.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michelle Joy Stevenson</i>	<i>FS185.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marnie Stevenson</i>	<i>FS186.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sophie Fox</i>	<i>FS187.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Ed Tinomana</i>	<i>FS188.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Dave Webster</i>	<i>FS189.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Aidan Corkill</i>	<i>FS190.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shanae Douglas</i>	<i>FS191.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Danielle O'Toole</i>	<i>FS192.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Aimee Milne</i>	<i>FS193.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michael O'Regan</i>	<i>FS194.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Neal Gallagher</i>	<i>FS195.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Arthur Neighbours</i>	<i>FS196.002</i>	<i>Oppose</i>	<i>Disallow</i>

	<i>Mat Knudsen</i>	<i>FS197.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brendon Draper</i>	<i>FS198.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Matthew Thomas</i>	<i>FS199.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Philip O'Connor</i>	<i>FS200.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Tracy Moss</i>	<i>FS201.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>James Dunlop Stevenson</i>	<i>FS202.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Murray Aitken</i>	<i>FS203.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joel Hands</i>	<i>FS204.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Peter Hands</i>	<i>FS205.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Patrick John Hands</i>	<i>FS206.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jackie O'Connor</i>	<i>FS207.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Douglas</i>	<i>FS208.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gary Donaldson</i>	<i>FS209.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joy Donaldson</i>	<i>FS210.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Selwyn Lowe</i>	<i>FS211.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sheryl Marie Rhind</i>	<i>FS212.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Stewart James Rhind</i>	<i>FS213.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rosalie Sampson</i>	<i>FS123.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Oparara Valley Project Trust</i>	<i>FS124.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Eric Wayne Pratt</i>	<i>FS131.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Eric Wayne Pratt</i>	<i>FS131.004</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>John Milne</i>	<i>FS225.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jo-Anne Milne</i>	<i>FS226.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jessie Gallagher</i>	<i>FS227.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Cheryl Gallagher</i>	<i>FS228.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Margaret Jane Milne</i>	<i>FS229.002</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Chris Lowe</i>	<i>FS238.002</i>	<i>Oppose</i>	<i>Disallow</i>
NEW	<i>Laurence Rueter (S381)</i>	<i>S381.001</i>	<i>Amend</i>	<i>Include the area known as "The Pyramids" in Karamea in the Outstanding Natural Landscape.</i>
	<i>Karamea Community Incorporated</i>	<i>FS125.007</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>William McLaughlin</i>	<i>FS148.007</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.006</i>	<i>Oppose</i>	<i>Disallow</i>

	<i>Catherine Jane Smart-Simpson</i>	<i>FS155.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Nathan Simpson</i>	<i>FS156.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Geoff Volckman</i>	<i>FS157.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kathleen Beveridge</i>	<i>FS158.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Beveridge</i>	<i>FS159.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Frans Volckman</i>	<i>FS160.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Tom Murton</i>	<i>FS161.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maryann Volckman</i>	<i>FS162.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kylie Volckman</i>	<i>FS163.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Barbara Bjerring</i>	<i>FS164.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brian Patrick Jones</i>	<i>FS165.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bryan Rhodes</i>	<i>FS166.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Frank Bjerring</i>	<i>FS167.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jane Garrett</i>	<i>FS168.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Allwyn Gourley</i>	<i>FS169.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Bevan Langford</i>	<i>FS170.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shaun Rhodes</i>	<i>FS171.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jack Simpson</i>	<i>FS172.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Roger Gibson</i>	<i>FS173.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rachel Shearer</i>	<i>FS174.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gareth Gulebreten</i>	<i>FS175.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Charlotte Aitken</i>	<i>FS176.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Glen Kingan</i>	<i>FS177.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Hayden Crossman</i>	<i>FS178.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Susan Waide</i>	<i>FS179.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Desirae Bradshaw</i>	<i>FS180.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Andrew Bruning</i>	<i>FS181.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marty Syron</i>	<i>FS182.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Kelvin Jeff Neighbours</i>	<i>FS183.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>J &amp; M Syron Farms</i>	<i>FS184.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michelle Joy Stevenson</i>	<i>FS185.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Marnie Stevenson</i>	<i>FS186.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sophie Fox</i>	<i>FS187.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Ed Tinomana</i>	<i>FS188.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Dave Webster</i>	<i>FS189.006</i>	<i>Oppose</i>	<i>Disallow</i>



	<i>Aidan Corkill</i>	<i>FS190.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Shanae Douglas</i>	<i>FS191.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Danielle O'Toole</i>	<i>FS192.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Aimee Milne</i>	<i>FS193.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Michael O'Regan</i>	<i>FS194.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Neal Gallagher</i>	<i>FS195.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Arthur Neighbours</i>	<i>FS196.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Mat Knudsen</i>	<i>FS197.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Brendon Draper</i>	<i>FS198.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Matthew Thomas</i>	<i>FS199.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Philip O'Connor</i>	<i>FS200.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Tracy Moss</i>	<i>FS201.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>James Dunlop Stevenson</i>	<i>FS202.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Murray Aitken</i>	<i>FS203.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joel Hands</i>	<i>FS204.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Peter Hands</i>	<i>FS205.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Patrick John Hands</i>	<i>FS206.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jackie O'Connor</i>	<i>FS207.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Maurice Douglas</i>	<i>FS208.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Gary Donaldson</i>	<i>FS209.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Joy Donaldson</i>	<i>FS210.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Selwyn Lowe</i>	<i>FS211.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Sheryl Marie Rhind</i>	<i>FS212.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Stewart James Rhind</i>	<i>FS213.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Oparara Valley Project Trust</i>	<i>FS124.005</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Rosalie Sampson</i>	<i>FS123.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>John Milne</i>	<i>FS225.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jo-Anne Milne</i>	<i>FS226.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Jessie Gallagher</i>	<i>FS227.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Cheryl Gallagher</i>	<i>FS228.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Margaret Jane Milne</i>	<i>FS229.006</i>	<i>Oppose</i>	<i>Disallow</i>
	<i>Chris Lowe</i>	<i>FS238.006</i>	<i>Oppose</i>	<i>Disallow</i>
ONL4	Vance & Carol Boyd (S447)	S447.009, S447.008	Amend	Do not include the following properties at Hannah's Clearing within the

				Outstanding Natural Landscape Overlay
ONL4	Vance & Carol Boyd (S447)	S447.010	Amend	Include spatial description of the ONL within the schedule so that it is clear that properties at settlements such as Hannah's Clearing are not included
ONL4	Raylene Black (S420)	S420.001	Amend	Request property at 1976b Haast Jackson Bay Road to be removed from Outstanding Natural Character and Outstanding Natural Landscapes overlays.
ONL4	Raylene Black (S305)	S305.002	Oppose	Remove outstanding natural landscape overlay from property at southern Hannah's Clearing
	<i>Vance &amp; Carol Boyd</i>	<i>FS117.11</i>	<i>Support</i>	<i>Allow</i>
ONL 10	A & S Marshal (S542)	S542.001	Oppose	Remove the Outstanding Natural Landscape from Section 8 Town of Weld at Bruce Bay
ONL 14	Totally Tourism Limited (S449)	S449.009	Amend	Move the ONL boundary so that Lot 33 Deposited Plan 409401 at Donovan Drive Franz Josef does not have any ONL located on it.
ONL 14	Skyline Enterprises Limited (S250)	S250.008	Oppose	The submitter opposes the mapping and all Objectives, Policies, and Rules of the TTPP that address development within the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and without derogating from the breadth of the submissions scope, specifically have concern with the following: Outstanding Natural Features (ONL 14/ONF16).
ONL 15, ONL 16, ONL 25 and ONL 27	Manawa Energy Limited (Manawa Energy) (S438)	S438.142	Oppose	Review and amend the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance including review of all of the ONFL mapping to improve accuracy and

				<p>appropriate identification of areas.</p> <p>Review and amend the mapping of the ONFL areas to accurately map these at an appropriate scale that can be applied at a site level, and to include review of all areas where the mapping follows arbitrary lines and not landform or landcover. Specifically review and amend map overlays applying to ONL 15, ONL 16, ONL 25 and ONL 27 generally to better follow landform and landcover, and specifically as follows:</p> <ul style="list-style-type: none"> <li>• ONL15: Koihaihai/ Gillespies Point to Te Kohumarua Bluff: refine the ONL mapping around the eastern part of Lake Wahapo and the surrounding landforms, including the relationship with the Waitangitahuna River.</li> <li>• ONL25: Lake Kaniere: review the extent around the highly natural Kennedy Creek and its margins, the modified area of forestry around Blue Bottle Road to the south of the Kaniere Forks power station, the 'cut-outs' at Lake Kaniere and the inclusion of a large adjacent area of native bush along the ONL's north-western edges (near Blue Bottle Creek).</li> <li>• ONL27: Lower Taramakau River &amp; Kawhaka Forest: reconsider the extent of inclusion of the Taramakau River; reconsider the extent of this ONL to the west, around the extensive wetland areas; to the north around Dillmanstown, Greenstone River/ Hokonui; and the margins of the Kumara Reservoir. A review of the ONL in relation to the Kapitia Reservoir is also required, notably along its northern boundary.</li> </ul>
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ONL 15, ONL 17, ONL22, ONL32, ONL33	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (S620)	S620.158	Oppose	That the ONL/ONF overlay is removed from sites which are used for plantation forestry, including but not limited to:  Lot 1 DP 3156 (between Hokitika and Ross) ONL22  Site between Waitaha River and Poerua River ONL17  Lot 1 Deposited Plan 3135 (near The Forks) ONL15  Site between Lake Hochstetter and Lake Haupiri ONL32  Lot 1 Deposited Plan 15307 (on the Lewis Pass Highway) ONL33.  We reserve the right to remove the overlay from further sites should there become known before or during the hearing process.
ONL20	Lynley Hargreaves (S481)	S481.022	Amend	Amend the ONL boundary to reflect the on the ground landscape values at Ross
ONL 22	Chris Boxall (S24)	S24.001	Amend	ONL 22 Review ONL boundary at Doughboy - it includes paddocks but does not include some parts bush. Happy for the bush not currently included to be included, but need the paddock part to be reviewed.
ONL25	Stuart Marshall and Susan Gooch (S433)	S433.001	Oppose	Remove the ONL layer from Lot 2 DP324352, out at Lake Kaniere Road
ONL 25	Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers (S556)	S556.002	Oppose	Remove the Outstanding Natural Landscape from the property at 31 Hans Bay Road, Arahutika, Lake Kaniere - Lots 1 and 2 DP 55403
ONL26	WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.062	Oppose	Remove the Outstanding Natural Landscape overlay on the planning maps from Lot 1 Deposited Plan 3854 and reflect any consent decisions for this parcel of land when making decisions on the ONL boundary.

ONL 28	Murray Stewart (S217)	S217.003	Oppose	Remove outstanding natural landscape overlay from property in Hohonu area. 746 Taramakau Settlement Road
ONL29	Mitchells 2021 Limited (S448)	S448.003	Amend	That the ONL boundary line at Mitchells Lake Brunner be adjusted so that the proposed subdivision area of the Bush Block, and the Forestry Lake Front Block (or at least the part of it to be developed) are outside the ONL. (refer submission for maps)
ONL 29	David Ellerm (S581)	S581.028	Amend	Amend map boundary of the Outstanding Landscape Map as described in Schedule Five: the Iveagh Bay Ngāi Tahu Development boundary
ONL29	Russell Robinson (S515)	S515.002	Amend	Amending the location of the Outstanding Natural Landscape Boundary identified on the notified TTPP, to more accurately reflect the forest vegetation cover associated with the reserve and Arnold River environment located to the west of the site, (including consequential amendments to the adjoining sites to better reflect the amended boundary). A proposed amended Outstanding Natural Landscape boundary is included in a map in the submission.
ONL 31	Claire & John West (S506)	S506.001	Oppose	Align the ONL boundary with existing property lines.
ONL 31	Claire & John West (S506)	S506.023	Amend	Pull the overlays back to the boundary of the Point Elizabeth Heights subdivision at Cobden to where it abuts the Rapahoe Scenic Range Reserve.
ONL 31	Lauren Nyhan Anthony Phillips (S533)	S533.001	Oppose	Align the ONL boundary with existing property lines.
ONL 31	Lauren Nyhan Anthony Phillips (S533)	S533.023	Amend	Pull the overlays back to the boundary of the Point Elizabeth Heights subdivision at Cobden to where it abuts

				the Rapahoe Scenic Range Reserve.
ONL 31	Russell and Joanne Smith (S477)	S477.001	Oppose	Align the ONL boundary with existing property lines.
ONL 31	Russell and Joanne Smith (S477)	S477.023	Amend	Pull the overlays back to the boundary of the Point Elizabeth Heights subdivision at Cobden to where it abuts the Rapahoe Scenic Range Reserve.
ONL 31	Tim Macfarlane (S482)	S482.001	Oppose	the ONL boundary with existing property lines.
ONL 31	Tim Macfarlane (S482)	S482.023	Amend	Pull the overlays back to the boundary of the Point Elizabeth Heights subdivision at Cobden to where it abuts the Rapahoe Scenic Range Reserve.
ONL 31	Stewart & Catherine Nimmo (S559)	S559.001	Oppose	Align the ONL boundary with existing property lines.
ONL 31	Stewart & Catherine Nimmo (S559)	S559.023	Amend	Pull the overlays back to the boundary of the Point Elizabeth Heights subdivision at Cobden to where it abuts the Rapahoe Scenic Range Reserve.
ONL 31	Tim and Phaedra Robins (S579)	S579.001	Amend	Amend to align the ONL boundary with existing property lines.
ONL 31	Tim and Phaedra Robins (S579)	S579.004	Amend	Alternative relief, give effect to the decisions sought in respect of particular provisions set out below.
ONL31	Joel and Jennifer Watkins (S565)	S565.002	Amend	Amend to align the ONL boundary with existing property lines
ONL41	New Zealand Coal & Carbon Limited (S472)	S472.003	Oppose in part	Amend the Outstanding Natural Landscape overlay to exclude Roa Mining Company Ltd, Francis Mining Co. Ltd and New Creek Mining Ltd mining areas from the overlay
ONL 43/49	Terra Firma Mining Limited (S537)	S537.033	Support	Amend Maps 43 and 49 to remove green line as described or clarify which feature it indicates. [ONL boundary]

ONL 44	Neil Mouat (S535)	S535.081	Oppose in part	Outstanding Natural Landscape has been in correctly mapped in relation to our property (4224 State Highway 6, Punakaiki).
ONL 44	Suzanne Hills (S443)	S443.030	Amend	Revisit north boundary of ONL44 and consider extending.
ONL 44	Amanda Jenkins (S575)	S575.001	Amend	Amend the ONL (Outstanding Natural Landscape) boundary at 5263 State Highway 6, Fox River
ONL44	Dean Van Mierlo (S570)	S570.004	Amend	Amend the maps to remove the "Outstanding Natural Landscape" from the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD.
ONL 44	Teresa Wyndham-Smith (S312)	S312.009	Support	Retain Outstanding Natural Landscape at Te Miko Area.
ONL44	Fiona McDonald (S561)	S561.001	Amend	Review the ONL boundary on the property at 5186 State Highway, Punakaiki
ONL44	Jon Barltrop (S572)	S572.001	Amend	Amend Outstanding Natural Landscapes with a view to the boundaries being shifted to South of the stand of Pine trees, to allow us to use our usable portion of our land. 5186 State Highway 6 Fox River
ONL 45/ONL46	Jane Whyte & Jeff Page (S467)	S467.032	Support in part	Do not schedule land within Punakaiki Village
ONL 54	West Coast Regional Council (S488)	S488.007	Amend	Remove the Outstanding Natural Landscape ONL54 Overlay from the private property - Section 27, Block XV, Oparara SD, Vaulation No 18780/234.00, subject to agreement by the landowner.

### *Submissions on Schedule 6 ONFs*

<b>ONL/ONF Reference</b>	<b>Submitter Name /ID</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
	Grey District Council (S608)	S608.416	Support	Retain as notified
	Karamea Lime Company (S614)	S614.229	Support	Retain as notified

	Peter Langford (S615)	S615.229	Support	Retain as notified
	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.403	Support	Retain
	Catherine Smart-Simpson (S564)	S564.172	Support	Lot 1 DP 483059, Section 1 SO 15488 and Section 50 Blk IX Oparara SD to remain excluded.
	Geoff Volckman (S563)	S563.163	Support	Lot 1 DP 483059, Section 1 SO 15488 and Section 50 Blk IX Oparara SD to remain excluded.
	Jane Whyte & Jeff Page (S467)	S467.033	Support	Do not schedule land within Punakaiki Village
	John Brazil (S360)	S360.095	Support in part	Lot 1 DP 336364 (i.e. 261 Utopia Road Westport) to remain excluded.
	Koiterangi Lime Co LTD (S577)	S577.138	Support	Parcels owned by Koiterangi Lime Co Ltd to remain excluded.
ONF16	Skyline Enterprises Limited (S250)	250.010	Oppose	The submitter opposes the mapping and all Objectives, Policies, and Rules of the TTPP that address development within the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and without derogating from the breadth of the submissions scope, specifically have concern with the following: Outstanding Natural Features (ONF16).

### Analysis

329. Forest and Bird (S560.402), Chris & Jan Coll (S558.706), Chris J Coll Surveying Limited (S566.706), Laura Coll McLaughlin (S574.706), Peter Langford (S615.228), Steve Croasdale (S516.156) Grey District Council (S608.360), Karamea Lime Company (S614.228), and William McLaughlin (S567.732) support the Schedule 5 (ONLs) as a whole. In addition, the Grey District Council (S608.361 – 415) have submission points supporting each ONL individually. This support is noted.
330. Te Tai o Poutini Plan Committee (S171.001) seeks that the area of extent of the ONL overlay on the maps be amended to reflect the updated boundaries that have been provided by Brown Limited based on their reassessment and remapping of all of the ONLs in September 2022. This work was not able to be completed in time for the Plan notification. The TTPP Committee however seeks that the overlays only be updated where these cover a lesser land area than the proposed Plan maps. I support the submission in part – I consider using the most up to date and accurate boundaries is appropriate, regardless of whether they cover a



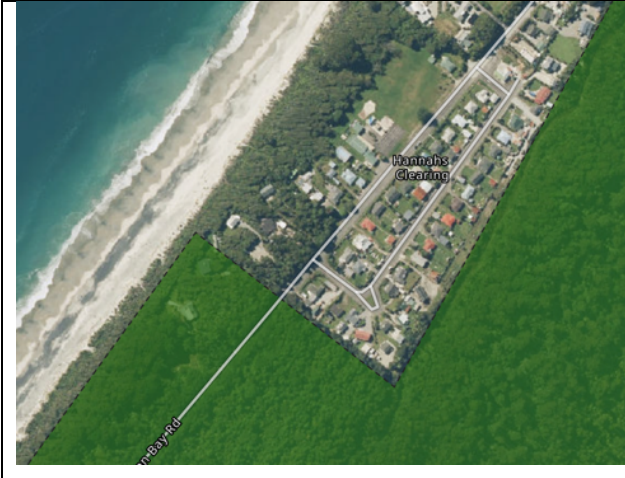
- greater or lesser area. Further in considering the submissions on the individual ONLs in this section of the report, I have relied on these updated maps for my recommendations.
331. I do note however that I have sought advice from Bridget Gilbert Landscape Architecture in relation to the submissions that seek a reassessment of the ONL status in relation to specific locations. At the time of writing this assessment is not available as the site visits are still being undertaken. However, Ms Gilbert has done a preliminary review and advised me where, based on her preliminary desktop analysis some amendment to the boundaries may be appropriate and she is carefully reassessing those areas in the field. As soon as Ms Gilbert's report is available this will be provided on the website and to submitters. A supplementary planning report to this s42A report may also be provided, depending on Ms Gilbert's recommendations.
  332. Buller District Council (S538.220) seeks that careful consideration is given to any individual submissions regarding the land use implications of any ONFL overlay and the accuracy of the ONFL boundaries. I support this submission and consider that the updated mapping, as provided in the TTPP Committee submission, is the key basis for determining the accuracy of ONL boundaries.
  333. Shirley Godfrey (S390.003) and the Koiterangi Lime Company (S577.137). seeks that the Koiterangi Lime Company quarry remain outside of any ONL. I support this submission. The Koiterangi Lime Company quarry is immediately adjacent to the Camelback – ONL 23 but is not included within the ONL in either the proposed Plan, or the updated maps.
  334. John Brazil (S36.094) seeks that land at 261 Utopia Road Westport remain excluded from any ONL. I support this submission as this land does not have any outstanding values.
  335. Gordon Bradley (S34.002) seeks that there be no other restrictions on his properties at Arnold Valley. There is a large SNA (HOC – 94) which extends onto the property, but no ONL. The Brown Ltd work does not propose any ONL in this area. I therefore support this submission.
  336. Karen Lippiatt (S439.008) seeks that Denniston Plateau is included in an ONL. The proposed Plan does not include Denniston Plateau as an ONL, and the updated Brown Limited Maps do not show the ONL in that area extending onto the Plateau. Therefore, the Denniston Plateau does not meet the criteria to be an ONL and I do not support this submission.
  337. Catherine Smart-Simpson (S564), Geoff Volckman (S563.162) seek that the location of the proposed lime quarry expansion at Oparara (Karamea) remain outside of any ONL. Fernando Tarango (S342.001), Lanah Hake Tarango (S337.002) and Laurence Rueter (S381.001) seek that this area, which forms part of the area known as "The Pyramids" be included in an ONL. The map below shows the location of the quarry land which is on Fenian Road. The land of specific concern is quarry reserve and is directly adjacent to Kahurangi National Park, but is not in the National Park. There is no ONL near to that area in the proposed Plan maps, nor in the update maps from Brown Ltd. I therefore conclude that while the area may be locally significant, it is not outstanding. I therefore support the submissions of Catherine Smart-Simpson (S564) and Geoff Volckman (S563.162) and do not support the submissions of Fernando Tarango (S342.001), Lanah Hake Tarango (S337.002) and Laurence Rueter (S381.001). However, I have specifically asked Bridget Gilbert to check this area to confirm that it does not meet the definition of an ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

TTPP Proposed Plan Map – Fenian Road Area	Amended Brown Ltd Map – Fenian Road Area
	

#### ONL 4

338. Vance & Carol Boyd (S447.009) oppose the inclusion of their properties at Hannah’s Clearing South Westland within ONL 4. They also seek (S447.010) a spatial description of the ONL within the schedule so that it is clear that properties at settlements such as Hannah’s Clearing are not included. Raylene Black (S420.001, 305.002) is also concerned about the extent of the ONL at Hannah’s Clearing and seeks that her property be excluded. The updated Brown Ltd maps do not alter the extent of the ONL boundary at Hannah’s Clearing – the boundary follows the bush line at this location. These two properties are located at the south of Hannah’s Clearing – at 1976B and 1984 Haast Jackson Bay Road. On these properties the houses have been developed within the bush and are not visible from the road. These properties are subject to multiple overlays – ONLs, Outstanding Coastal Natural Character and Coastal Hazard Severe overlays. At this stage I do not support the submissions as the Brown Report identifies the area as ONL.
339. However, I note that Bridget Gilbert has indicated that based on her preliminary desktop assessment the ONL identification may not be appropriate. Once I receive her written report If there is any change to my recommendation based on this report, I will include this information in an addendum planning report.

**TTPP Proposed Plan Map – Hannah’s Clearing ONL 4**



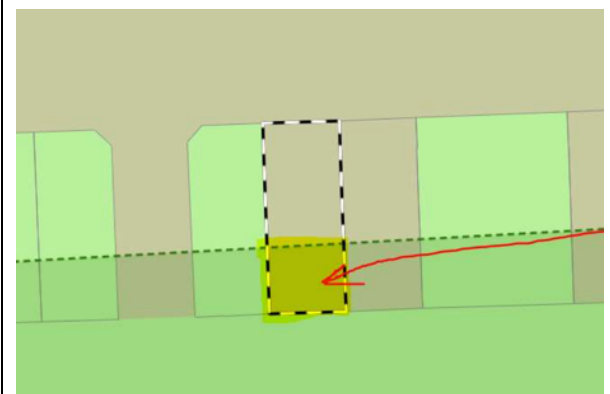
**Amended Brown Ltd Map – Hannah’s Clearing ONL 4**



**ONL 10**

340. A & S Marshall (S542.001) seeks the removal of the ONL identification from their property at Bruce Bay. The updated Brown Ltd maps identify the whole property as being an ONL. I note that it is also subject to an Outstanding Coastal Natural Character overlay and that there is currently no development on any part of this coastline. I do not recommend the overlay removal and do not support the submission.

**TTPP Proposed Plan Map – Bruce Bay ONL 10**



**Amended Brown Ltd Map ONL 10**



**ONL 14**

341. Totally Tourism Limited (S449.009) and Skyline Enterprises Limited (S250.008) oppose the boundaries of ONL 14. ONL 14 covers the Franz Josef Glacier Valley, and both the proposed Plan maps and the updated Brown Limited maps consider that this area is an ONL. I do not support the submission of Skyline Enterprises therefore. With regard to the Totally Tourism submission they are concerned about the boundary at Donovan Drive in Franz Josef township. I have reviewed the updated maps from Brown Limited and there is an amendment to the boundary of ONL 14 in relation to the property so that slightly less of the property is affected by the ONL. I therefore support the submission in part. However, I have specifically asked Bridget Gilbert to check this area to confirm that it does not meet the definition of an ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

<b>TTPP Proposed Plan Map – Donovan Drive ONL 14</b>	<b>Amended Brown Ltd Map – Donovan Drive ONL 14</b>
	

342. Manawa Energy (S438.142) seeks that the following ONLs be reviewed - ONL 15, ONL 16, ONL 25 and ONL 27. In relation to ONL 15 they seek the mapping around the eastern part of Lake Wahapo and the Waingitahuna River be reviewed. I have reviewed the updated maps from Brown Limited and there are some amendments to the boundaries of the ONL at Lake Wahapo which appear to reflect visual boundaries on the ground as per the maps below. I therefore support this part of the submission.

343. However, I have specifically asked Bridget Gilbert to check this area to carefully identify the boundary of the ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



**TTPP Proposed Plan Map – Lake Wahapo Area ONL 14**



**Amended Brown Ltd Map – Lake Wahapo Area ONL 14**



344. In relation to ONL 25 and Lake Kanieri there has been significant modification of the mapping around the Blue Bottle Terrace Area based on the September 2022 Brown Ltd updates and some modifications at Lake Kanieri. I therefore support this part of the submission.

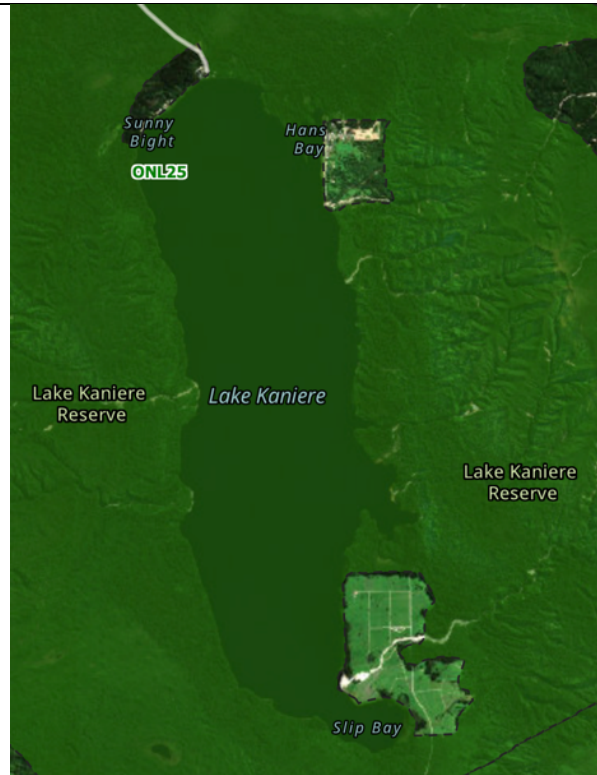
**TTPP Proposed Plan Map – Blue Bottle Terrace Area ONL 25**



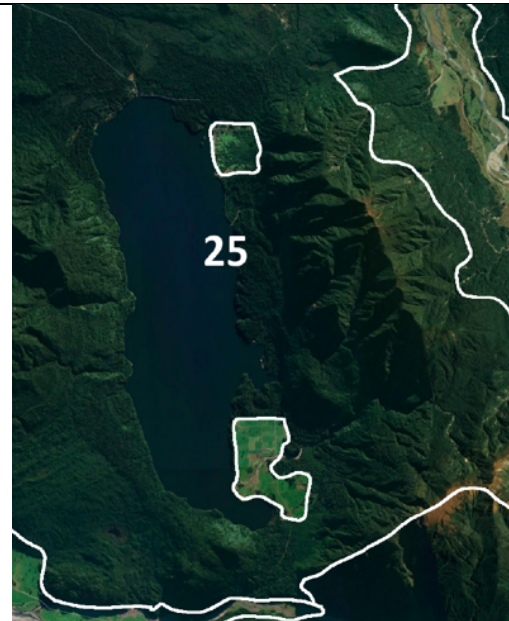
**Amended Brown Ltd Map - Blue Bottle Terrace Area ONL 25**



**TTPP Proposed Plan Map - Lake Kaniere Area ONL 25**



**Amended Brown Ltd Map – Lake Kaniere Area ONL 25**



345. In relation to ONL 27 Lower Taramakau River and Kawhaka forest they seek that the extent of inclusion of the Taramakau River is reconsidered and the extent of this ONL to the west around the wetland areas and to the north around Dillmanstown, Greenstone River/ Hokonui and the margins of the Kumara Reservoir is reconsidered. The updated Brown Limited maps propose amendments in all these areas and therefore I support this part of the submission.

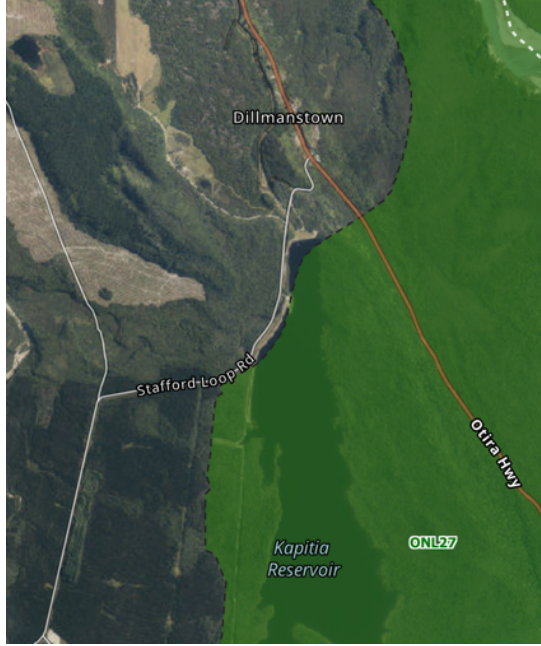

**TTPP Proposed Plan Map – Taramakau River ONL 27**



**Amended Brown Ltd Map – Taramakau River ONL 27**





TTPP Proposed Plan Map – Kumara Reservoir/Dillmanstown – Kapitia Reservoir ONL 27	Amended Brown Ltd Map – Kumara Reservoir/Dillmanstown – Kapitia Reservoir ONL 27
	

346. Ngāi Tahu (S620.158) oppose the inclusion of their plantation forestry sites in ONLs. There are four sites:

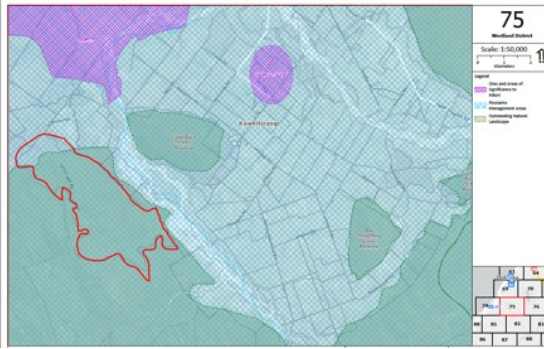
- Lot 1 DP 3156 (between Hokitika and Ross) ONL 22.
- Site between Waitaha River and Poerua River ONL17
- Lot 1 Deposited Plan 3135 (near The Forks) ONL15
- Site between Lake Hochstetter and Lake Haupiri ONL32
- Lot 1 Deposited Plan 15307 (on the Lewis Pass Highway) ONL33.

347. I have reviewed the Brown Ltd maps and there is no proposed amendment to the ONL status in these locations. One of the sites (Site between Waitaha River and Poerua River ONL17) is actually recommended as having the entire property, not just the area shown in the proposed Plan as being included in the ONL. I have referred back to my notes in developing the Plan and identified that the TTPP Committee had, in recognition of sections 6(e) and 8 of the RMA, resolved to exclude cultural redress lands from the ONL layer. Shape files were provided to the GIS team by Ngāi Tahu and those areas were excluded from the ONL layer in the proposed Plan on that basis.

348. It appears that the ONL areas on these five sites are not currently being used for plantation forestry and I am unclear if this is actually a proposed future activity – given that it would require the clearance of native bush and wetland drainage to undertake this activity. The activity is in fact indigenous forestry – harvesting of naturally occurring native trees under the Forests Act.

349. I do not support excluding these areas from the ONLs on the basis that plantation forestry activity is planned for these areas. However, these are cultural redress lands from the Ngāi Tahu Treaty Settlement, and I therefore support their exclusion from the respective ONLs to enable Poutini Ngāi Tahu to exercise tino rangatiratanga over their lands. Maps of the sites are shown below:

**TTPP Proposed Plan Map – ONL 22 at Lot 1 DP 3156**

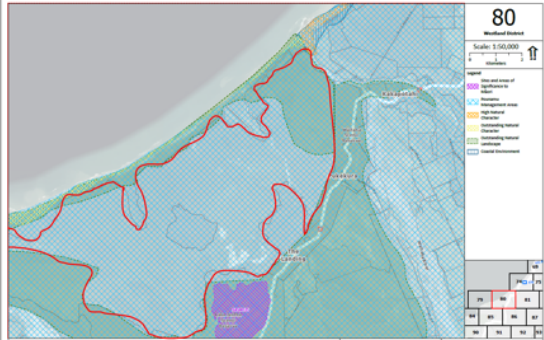


**Amended Brown Ltd Map –ONL 22**



**TTPP Proposed Plan Map ONL 17**

Site between Waitaha River and Poerua River ONL17

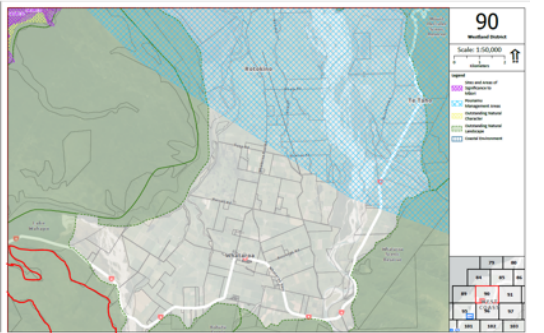


**Amended Brown Ltd Map ONL17**



**TTPP Proposed Plan Map ONL 15**

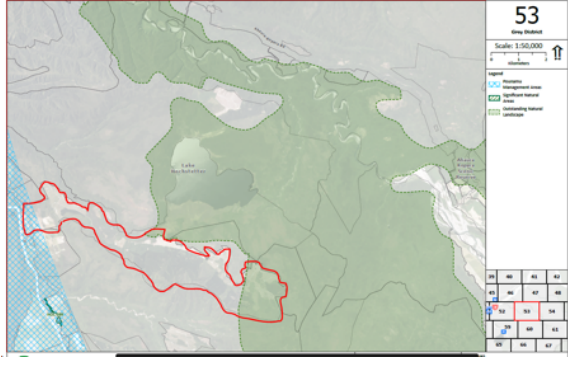



Lot 1 Deposited Plan 3135 (near The Forks) ONL15



**Amended Brown Ltd Map ONL 15**







<p><b>TTPP Proposed Plan Map ONL 32</b> Site between Lake Hochstetter and Lake Haupiri ONL32</p>	<p><b>Amended Brown Ltd Map ONL 32</b></p>
	
<p><b>TTPP Proposed Plan Map ONL 33- Lot 1 Deposited Plan 15307 (on the Lewis Pass Highway) ONL33.</b></p>	<p><b>Amended Brown Ltd Map ONL 33</b></p>
	

**ONL 20**

350. Lynley Hargreaves (S481.022) seeks the boundary at Ross better reflect the landscape values of the area. The updated Brown Ltd maps of the Ross area substantially alter the extent of the ONL overlay and I therefore support the submission. I have also asked Bridget Gilbert to check the boundaries to confirm the boundaries of this ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

<p><b>TTPP Proposed Plan Map – Ross Township ONL 20</b></p>	<p><b>Amended Brown Ltd Map ONL 20</b></p>
	

**ONL – 22**



351. Chris Boxall (S24.001) seeks that ONL 22 be reviewed at the Doughboy - it includes paddocks but does not include some bush parts. The updated Brown Ltd maps of the Doughboy area exclude the paddocks and I therefore support the submission.

352. I have also asked Bridget Gilbert to check this area to confirm that it does not meet the definition of an ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

<b>TTPP Proposed Plan Map – The Doughboy ONL 22</b>	<b>Amended Brown Ltd Map – The Doughboy ONL 22</b>
	

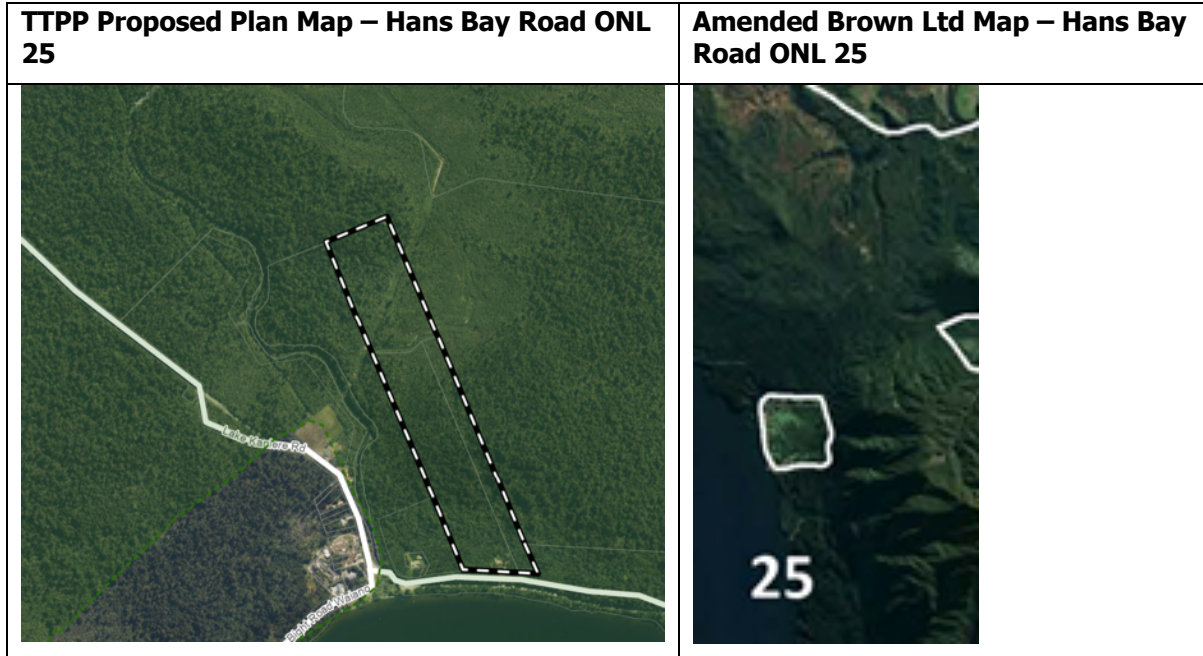
**ONL 25**

353. Stuart Marshall and Susan Gooch (S433.001) seek that their property at Lot 2 DP324352 be removed from the ONL maps. The updated Brown Ltd maps do not include this property within the ONL. I therefore support this submission.

<b>TTPP Proposed Plan Map – Lake Kaniere Road ONL 25</b>	<b>Amended Brown Ltd Map - Lake Kaniere Road ONL 25</b>
	



354. Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers (S556.002) seek that their property at 31 Hans Bay Road Lake Kaniere be removed from ONL 25. The property is entirely bush covered with a small area cleared where the house is located close to the road. The updated Brown Ltd maps include this property within the ONL. I therefore do not support submission.



**ONL 26**

355. WMS Group (S599.062) seeks that the ONL overlay be removed from Lot 1 Deposited Plan 3854 and reflect any consent decisions for this parcel of land when making decisions on the ONL boundary. This site is adjacent to Lake Mahinapua and a strip of ONL lies over Māhinapua Creek/Tūwharewhare. While I am aware that resource consent has been lodged to undertake mineral extraction on this site, I am not aware that it has been granted. In terms of the updated Brown Ltd maps there is no significant modification of the ONL in this area. I therefore do not support this submission.



**ONL 28**

356. Murray Stewart (S217.003) seeks that the ONL on his property at 746 Taramakau Settlement Road be removed. It is not completely clear from the submission the exact location of the property. I have considered the updated Brown Ltd map and there is no significant modification of the ONL in this area. I therefore do not support this submission.

357. I have also asked Bridget Gilbert to check this area to confirm boundaries of the ONL when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



**ONL 29**

358. Mitchells 2021 Limited (S448.003) seeks that the ONL boundary line at Mitchells Lake Brunner be adjusted so that the proposed subdivision area of the Bush Block, and the Forestry Lake Front Block (or at least the part of it to be developed) are outside the ONL. I have considered the updated Brown Ltd map and there is no significant amendment to this. I therefore do not support this submission.

359. I have also asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



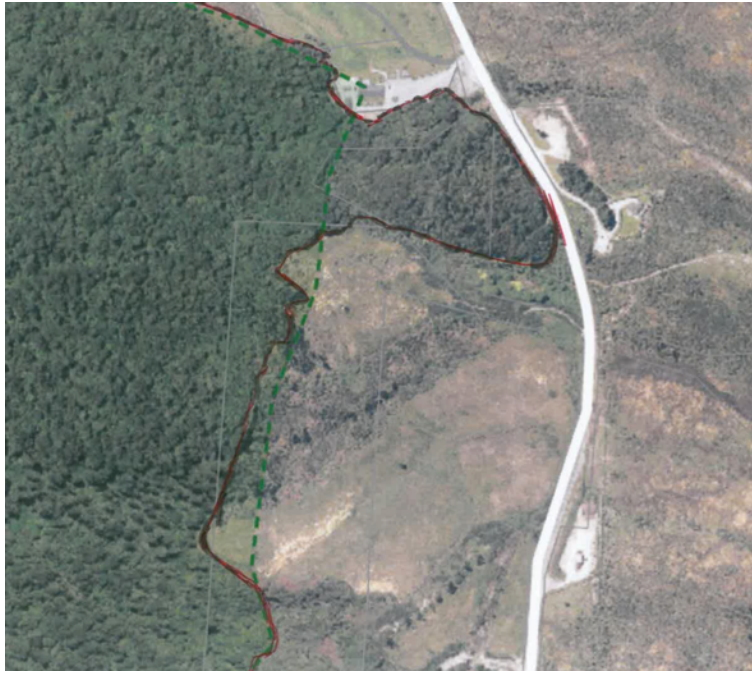
TTPP Proposed Plan Map – Mitchells ONL 29	Amended Brown Ltd Map – Mitchells ONL 29
	

360. David Ellerm (S581.028) seeks that the ONL boundary line at Iveagh Bay Lake Brunner be adjusted to the boundary of the current Ngāi Tahu Development boundary. I have considered the updated Brown Ltd map and there is no significant amendment to this. I therefore do not support this submission.

361. I have also asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

TTPP Proposed Plan Map – Iveagh Bay ONL 29	Amended Brown Ltd Map – Iveagh Bay ONL 29
	

362. Russell Robinson (S515.002) seeks that the ONL boundary at the Arnold River be amended to better align with the vegetation extent. A proposed boundary is included in the submission and this map is shown below. I have considered the updated Brown Ltd map and there is no significant amendment to this. At this stage I do not support the submission. However, I have asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



**TTPP Proposed Plan Map –ONL 29 Moana North**

**Amended Brown Ltd Map – Moana North ONL 29**



**ONL 31**

363. Claire & John West (S506.001 and S506.023), Lauren Nyhan Anthony Phillips (S533.001, S533.023), Russell and Joanne Smith (S477.001, S477.023), Tim Macfarlane (S482.001, S482.023, S482.023), Stewart & Catherine Nimmo (S559.001, S559.023), Tim and Phaedra Robins (S579.001, S579.004) and Joel and Jennifer Watkins (S565.002) all seek amendment to the ONL boundary of the Elizabeth Range at Cobden. They seek that the boundary following the existing property boundaries rather than the bushline/geographic feature. The amended Brown Ltd maps recommend no significant change in this area. Therefore, I do not support these submissions.

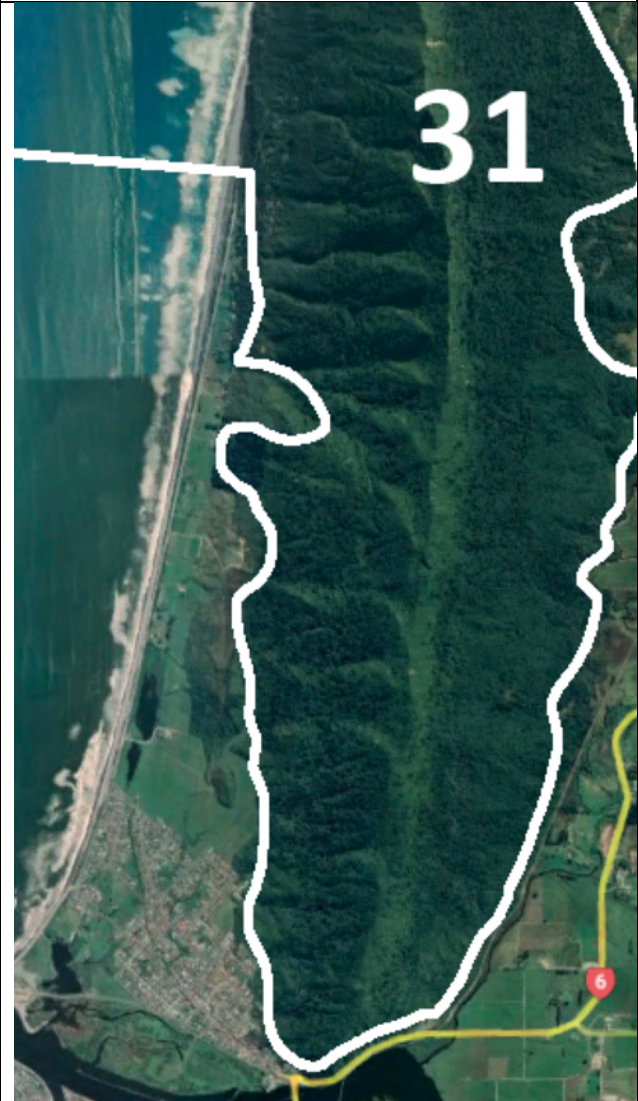
364. I have however asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



**TTPP Proposed Plan Map – Elizabeth Range/Cobden ONL 31**



**Amended Brown Ltd Map – Elizabeth Range/Cobden ONL 31**



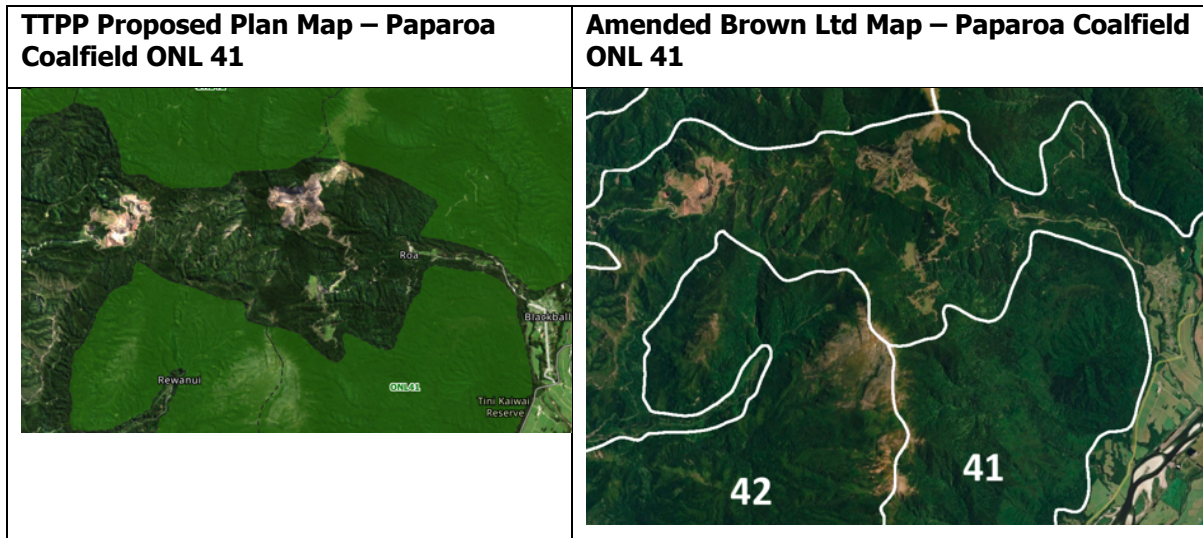
**ONL 41**

365. New Zealand Coal & Carbon Limited (S472.003) seeks that the Roa Mining Company Ltd, Francis Mining Co. Ltd and New Creek Mining Ltd mining areas are removed from the overlay. While the current actively mined sites are excluded from the overlay, this submission seeks that the wider (currently bush clad) area in the Paparoa Coalfield be excluded from the overlay. Some parts of the Mineral Extraction Zone area are already excluded. I have compared the proposed Plan and the Brown Ltd updated maps. All the currently worked areas



of mining appear to be excluded from the ONL. No map was provided with the submission, so I am not completely clear where the areas of concern are. However, there are some areas of difference between the proposed Plan and updated maps. I therefore support the submission in part.

366. I have also asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



#### ONL 43

367. Terra Firma Mining Limited (S537.033) seeks that the maps be amended to remove the green lines. These lines were included during the mapping process to show the boundaries between the landscape units where ONLs are adjacent. Some amendment to the map key is necessary to clarify this and I therefore support this submission.

#### ONL 44

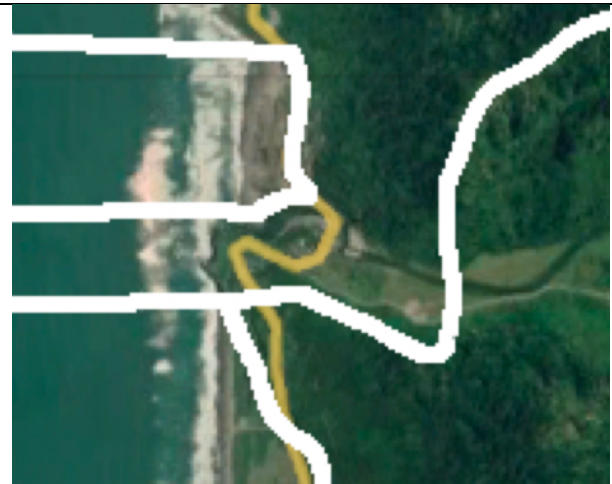
368. Neil Mouat (S535.081) seeks amendment to the ONL boundary on his property at 4224 State Highway 6 Punakaiki. This is a property within the Scenic Visitor Zone. There is little difference between the proposed Plan and updated Brown Ltd maps – the ONL follows the bushline at the base of the Paparoa Range. I therefore do not support this submission.

369. I have asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

**TTPP Proposed Plan Map – ONL 44  
Punakaiki South**



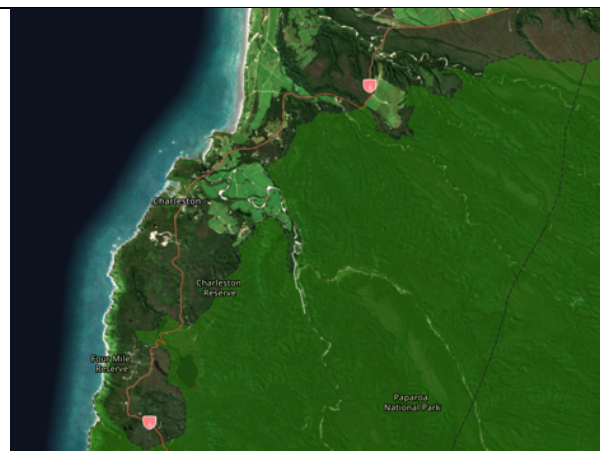
**Amended Brown Ltd Map – ONL44  
Punakaiki South**



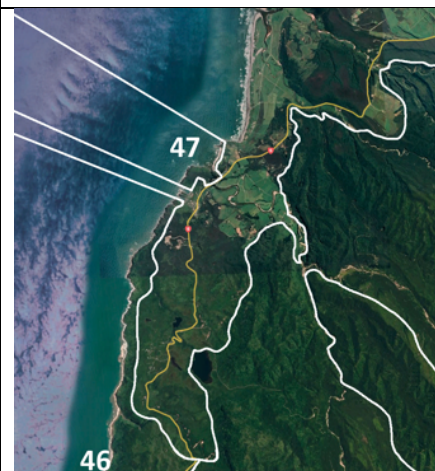
370. Suzanne Hills (S443.030) seeks that the north boundary be revisited and that it is extended towards Charleston. The proposed Plan boundary excludes substantial areas of the northern Paparoas with poorer visual qualities. The updated maps amend the boundaries around this area and I therefore support this submission in part.

371. I have asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.

**TTPP Proposed Plan Map – Charleston area  
ONL 44**

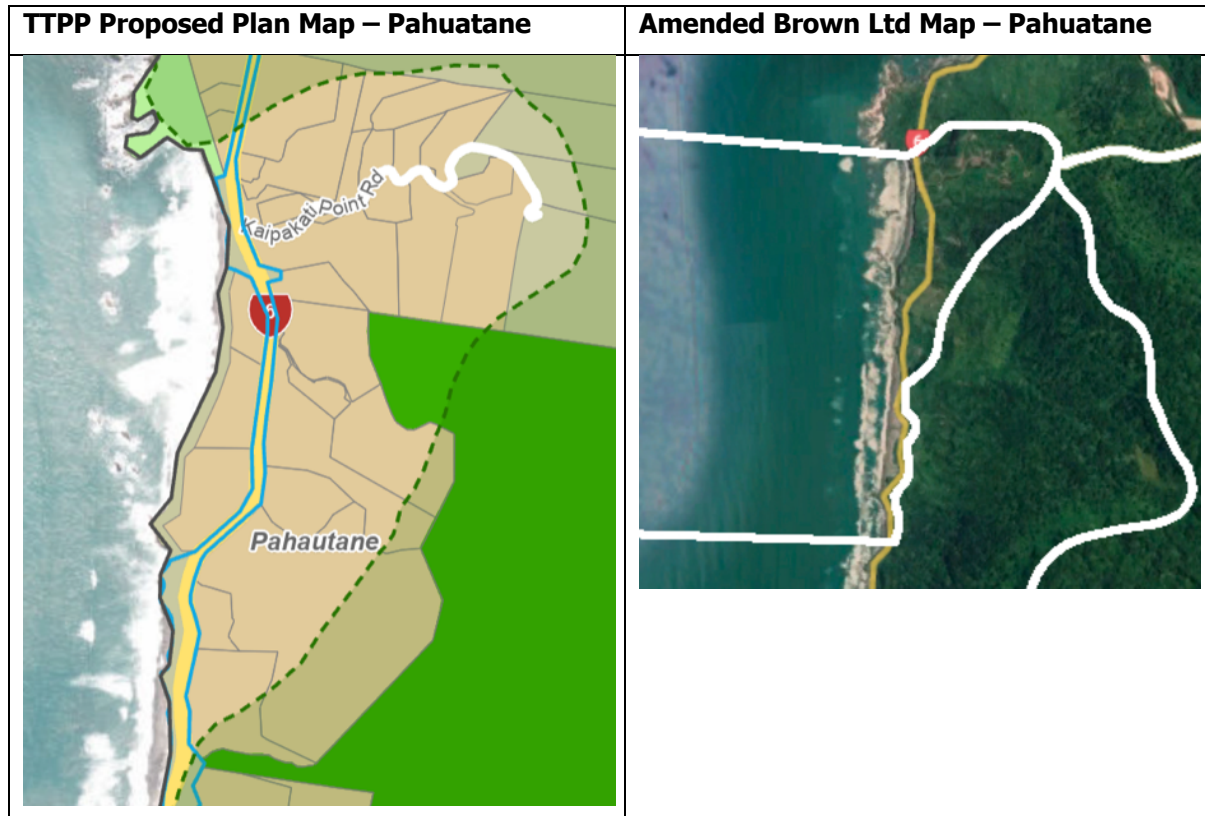


**Amended Brown Ltd Map –  
Charleston area**



372. Amanda Jenkins (S575.001) seeks that the boundary be amended at 5263 State Highway 6 at Pahautane. Dean Van Mierlo (S570.004) seeks that the ONL be removed from the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD at Pahautane. Fiona McDonald (S561.001) and Jon Barltrop (S572.001) seeks a review of the ONL boundary on the property at 5186 State Highway, Punakaiki. The updated maps still show these areas included in the ONL. I therefore do not support these submissions.

373. I have asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report.



374. Teresa Wyndham-Smith (S312.009) supports the ONL boundary at Te Miko, Punakaiki. This support is noted.

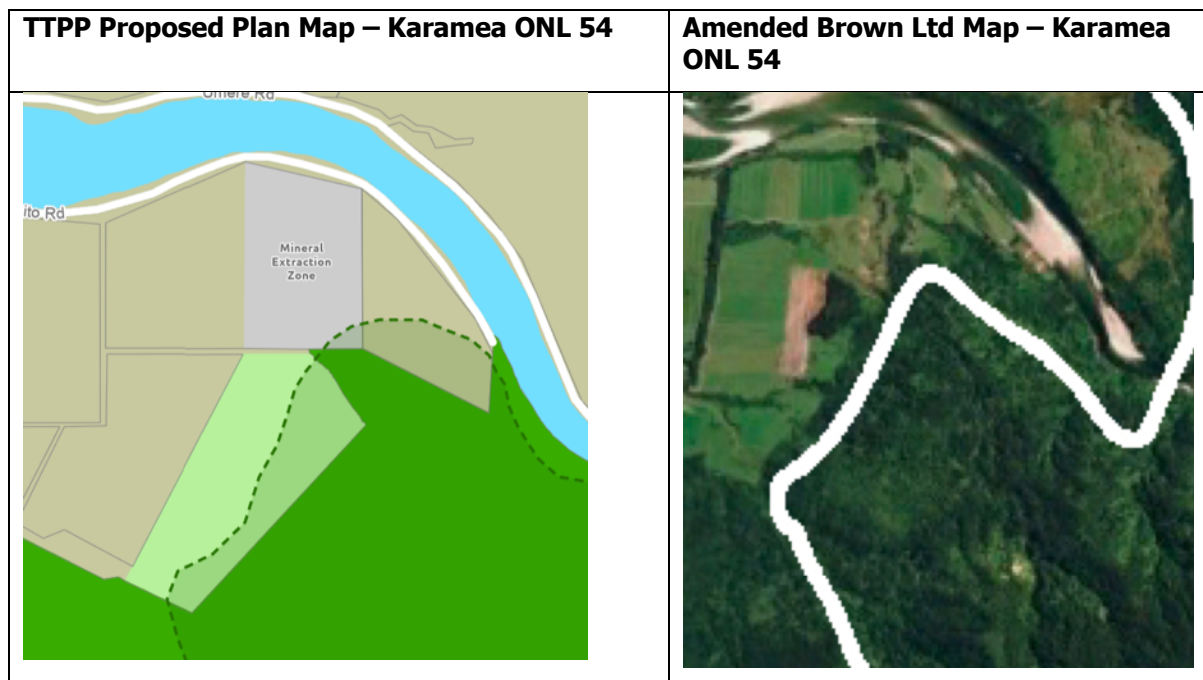
375. Jane Whyte & Jeff Page (S467.032) seek that no land within Punakaiki Village be included in an ONL. I support this submission in part, in that the residential area of Punakaiki Village is not included in any ONL. However, I do note that part of the wider Punakaiki area – including private land, is within an ONL. This includes land around Te Miko/Hartmount Place as well as Scenic Visitor Zone land to the north of the Punakaiki River.

**ONL 54**

376. West Coast Regional Council (S488.007) seeks that the ONL be removed from Section 27, Block XV, Oparara SD. This site, which falls within the Mineral Extraction Zone, is a WCRC hard rock quarry. The updated maps still shows this areas included in the ONL. I therefore do not support this submission.

377. I have asked Bridget Gilbert to check this area to confirm the ONL boundaries when she undertakes her field assessment. If there is any change to my recommendation based on her report, I will include this information in an addendum planning report





### *Submissions on Schedule 6 ONFs*

378. Grey District Council (S608.416), Karamea Lime Company (S614).229, Peter Langford (S615.229) and Forest and Bird (S560.403) support the schedule. Catherine Smart-Simpson (S564.172) Geoff Volckman (S563.163), Jane Whyte & Jeff Page (S467.033), John Brazil (S360.095) and Koiterangi Lime Co LTD (S577.138) all support that land they have an interest in is not scheduled. This support is noted.
379. Skyline Enterprises Limited (S250.010) oppose the inclusion of ONF16 – the Franz Josef Glacier. I do not support this submission. Franz Josef Glacier is recognised as being an internationally significant geological feature and I consider it is appropriately included within Schedule 6.

### *Recommendations*

380. That the following amendments are made to the Plan as a result of these submissions:

- That the ONL maps are updated in accordance with the Brown Ltd September 2022 mapping.

381. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## **12. S32AA Evaluation for all Recommended Amendments**

382. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)- (4) if any amendment has been made to the proposal (in this case TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of TTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance. The key changes that I have considered to be significant in relation to this evaluation are:

- Providing an additional restricted discretionary rule for mineral extraction in ONLs within Mineral Extraction Zones
- Providing greater restriction on natural hazard mitigation activities – with a Restricted Discretionary rather than Controlled Activity Rule for all new structures

- Making afforestation with plantation forestry within an ONL a non-complying rather than discretionary activity.

### **Effectiveness and Efficiency**

383. The addition of a new restricted discretionary rule for mineral extraction in ONLs recognises the strategic directions of the Plan, and also the establishment of special mineral extraction and Buller Coalfield Zones. I consider it is an effective measure to implement these objectives and efficient in that the rule is specific to mineral extraction within these zones only.
384. The increase in restriction so that all new natural hazard mitigation structures are a restricted discretionary activity, rather than having a split where some structures have a controlled activity status will be more effective at ensuring the adverse effects of natural hazard mitigation structures on ONLs are appropriately managed. This recognises that the most likely structures to be proposed are those to protect infrastructure, and that these can have significant adverse effects which need to be carefully managed. This measure will also increase the efficiency of the Plan, as it reduces the complexity around the management of natural hazard mitigation structures.
385. Making afforestation within an ONL a non-complying activity rather than a discretionary activity is both efficient and effective – in that it makes it clear that this activity is likely to be inappropriate in most circumstances, and provides clear direction to the Plan user on this.
386. Overall I consider these three changes better implement the direction provided by the WCRPS around ONFL.

### **Costs/Benefits**

387. The addition of a new restricted discretionary rule for mineral extraction has some efficiency of costs in that the resource consent preparation and administration will be more targeted at matters of discretion. There are benefits to the specific landowners/licence holders within the relevant mineral extraction zone in that the Plan is clearly differentiating that these locations may be more appropriate for any mineral extraction than other ONLs. However, a restricted discretionary activity status still sets a clear set of requirements around management of adverse effects.
388. The increase in restriction so that all new natural hazard mitigation structures are a restricted discretionary activity is likely to have increased costs on critical infrastructure providers. However, I consider that the benefits of providing for the ability to decline an inappropriate consent and subject such proposals to a thorough assessment outweigh these potential costs. I note that many of these providers are also able to utilize emergency provisions of the RMA, should urgent work in the face of a natural hazard event be required.
389. In terms of the afforestation rule, there may be some extract costs to assess the effect of an activity under a non-complying rather than Discretionary Activity, but in practice a similar, high standard of assessment would be required. The benefits in terms of greater certainty and direction that ONFLs are inappropriate locations for new plantation forestry, and the avoidance of the adverse effects on the values of the ONFLs outweigh these costs.
390. Overall I consider that the potential costs of these proposals are outweighed by the benefits.

### **Risk of Acting/Not Acting**

391. I consider that there is a good degree of certainty around the adverse effects of these activities and that the policy guidance will ensure they are appropriately implemented and I consider that there is sufficient information on which to act in relation to these matters.

### **Conclusion about most appropriate option**

392. The recommended amendments are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of TTPP.

## **13. Conclusion**

393. This report has provided an assessment of submissions received in relation to the Natural Features and Landscape Chapter, Schedule 5 and Schedule 6. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for

changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.