

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND of the proposed Te Tai o Poutini Plan

**Evidence of Amy Louise Young on behalf of
the Director-General of Conservation / *Tumuaki Ahurei*
Hearing Topic 11: Natural Features and Landscapes
Submitter ID: S602, Further Submitter ID: FS602
Dated 12 February 2024**

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Introduction

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

Qualifications and experience

4. I am employed by the Department of Conservation (DOC) as a Resource Management Act (RMA) Planner. I have worked for DOC for three years. Prior to that I was employed by the Dunedin City Council as a Resource Consent Planner for 12 years. Prior to taking up a planning role, I was Landscape Architect in Auckland for SOUL Environments for two years and LA4 Landscape Architects for two years. I have experience in resource consent processing, planning advice, and landscape assessment and design.
5. I have previously given expert planning evidence for the D-G on Topic 1 and 2 of the Proposed Te Tai o Poutini Plan, the Proposed Selwyn District Plan: Ecosystems and Indigenous Biodiversity Chapter, the Waste Management New Zealand proposed plan change and consent application for the Auckland Regional Landfill, and for the Minister of Conservation on Proposed Plan Change 5 Southland Regional Coastal Plan: Surface Water Activities on the internal waters of Fiordland from Yates Point to Puyseger Point.
6. I have a Bachelor of Landscape Architecture qualification from Unitec Institute of Technology (2005).

Code of Conduct

7. I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court Practice Note 2023. I have complied with the Practice Note when preparing my written statement of evidence and will do so when I give oral evidence before the hearing.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
9. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

10. This evidence covers planning matters in relation to the Natural Features and Landscapes topic.

Material Considered

11. I have read the parts of the following documents that are relevant to this hearing:
- a) Proposed Te Tai o Poutini Plan 2022;
 - b) The s32 Evaluation Reports:
 - Te Tai o Poutini Plan – Section 32 Evaluation Report 5:
 - Natural Environment Values – Ngā Uara Taiao Aotūroa
 - Ecosystems and Biodiversity -Ngā Pūnaha Rauropi me te Kanorau Koiora
 - Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa
 - Coastal Environment – Te Taiao o te Takutai
 - Natural Character and Water
 - c) The D-G's submission dated 11 November 2022 and further submission dated 13 July 2023;
 - d) Other submissions where they are referred to in my evidence; and
 - e) The Te Tai o Poutini Plan Section 42A Officer's Report: Natural Features and Landscapes.

HEARING TOPIC 11 – Natural Features and Landscapes

12. The D-Gs submission sought amendments to the Natural Features and Landscapes chapter. The D-G supported the overview as notified as it provides “*a clear description of Outstanding Natural Landscapes and Outstanding Natural Features, and the other Plan provisions that apply in these areas*”.
13. In general, these amendments have been supported in the S42A Officer's report. I provide comments on submissions not accepted by the Officer's recommendation below.

Objectives and Policies

14. The D-G sought amendments to the notified Natural Feature and Landscape Objective as follows:

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

15. The section 42A report writer supports the submission point (s602.086) in part 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. The wording is more consistent with WCRPS Objectives 7B1 and 7B2. However, the s42A report writer does not support the part of the submission which sought replacing "providing for" with "allowing". The reasons for this is to ensure that consistent language is used across the plan and they prefer "providing for" in circumstances where this is directing that resource consent may be required.¹

The amendments to these objectives strengthen the intent to protect natural features and landscapes on the West Coast.

16. The D-G sought amendments to policy NFL-P1 by deleting the reference to natural hazard mitigation activities and deleting 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.'
17. The s42A report writer recommended that maintenance and repair of Natural Hazard Mitigation Structures and natural hazard mitigation activities should be consistent in how they are dealt with across the Plan. They recommend keeping Natural Hazard Mitigation Structures in NFL-P1 and but changing the wording to restrict the policy to maintenance and repair of Natural Hazard Mitigation Structures and only providing for the upgrading of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor. I support the proposed amendments.
18. The s42A report writer agrees with the DOC submission and has recommended that clause g '*upgrading and/or new infrastructure or renewable electricity generation*

¹ <https://tpp.nz/wp-content/uploads/2024/01/Te-Tai-o-Poutini-Plan-s42A-Natural-Features-and-Landscape.pdf> para 86 page 31

activities where there is a functional need for it to be located in these areas.’ Should be deleted from this policy.

19. I support the recommendation to delete clause g, as construction of new natural hazard mitigation structures have the potential to have significant adverse effects on the values of Outstanding Natural Features and Landscapes.
20. The S42A report writer considered that the reference to “natural hazard mitigation activities” be altered to provide for existing natural hazard mitigation structures but set the framework whereby new natural hazard mitigation structures within an ONFL would require resource consent.
21. The S42A report writer 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 clauses e) and f) and that the Department of Conservation has not opposed this.
22. 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.

Policy NFL-P2

23. The D-Gs submission sought an amendment to Policy NFL-P2:
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 otherwise minimised, remedied-or, mitigated, offset or compensated in accordance with the effects management hierarchy.
24. The S42A report writer supports the additional wording as the effects management hierarchy includes offsetting and compensation. They do not support the deletion of “offset” or the replacement of it with just with “compensation”. Both terms are

appropriate, in the correct context. They support the use of the words “otherwise minimised” in this policy as describing intention. I support the S42A report writers recommended changes to policy NFL-P2:

25. *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.*

Policy NFL P3

26. The D-G submitted that the wording should be amended as follows:
Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural 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.
27. The s42A report writer supports this amendment as it better reflects the directives in higher order documents.

Policy NFL-P4

28. The D-G submitted that the wording should be amended as follows:
Require that new buildings and 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 and limits landform modification through earthworks; and Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
29. The s42A report writer considers that the amendment to this policy is appropriate as landform modification can have significant adverse effects on some of the values that may make an ONFL significant.

Policy NFL-P5

30. The D-G sought the following amendments to policy NFL-P5:
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. Whether an assessment of alternatives has been provided;*
 - b. Whether the assessment of effects on outstanding natural landscape and outstanding natural feature values is in accordance with the effects management hierarchy;*
 - c. The nature, scale and extent of modification to the landscape or feature;*
 - d. ...*
 - k. Management of effects on amenity, recreation, historical and biodiversity values;*
31. The s42A report writer does not support the inclusion of these matters as an assessment of alternatives is a requirement under the RMA where there are significant adverse effects on ONFL. The s42A report writer has recommended that the following advice note be attached to Rules NFL – R11 and NFL – R12:
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.
32. I agree with the S42A report writer that assessment of alternatives is a requirement under the RMA and support the approach of using the advice note to advise plan users of their obligations. This will help to ensure that complete applications are provided and ensure better outcomes for conservation values.
33. The s42A report writer supports the inclusion of clause K. “management of effects on amenity, recreation, historical and biodiversity values” as amenity, recreation, historical and biodiversity values may well be a significant contributor to the values that make the ONFL outstanding. The S42A report writer also supports additional words referring to the “nature” and “extent” of modification be included, and a correction to include reference to features as well as landscapes as sought in the D-Gs submission.

Rules

NFL-R1

34. The s42A report writer recommends the following changes to NFL-R1:
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.

Natural Hazard Mitigation Activities

NFL-R3 Natural Hazard Mitigation activities including earthworks

35. The D-G opposed this rule and recommended the following amendments including changing the activity status from Permitted and Controlled activities to Restricted Discretionary Activities with the following matters of discretion:

Activity Status ~~Permitted~~ Restricted Discretionary

Where:

- 1. The natural hazard mitigation activities are to protect critical infrastructure;*
- ~~2. The natural hazard mitigation activities are undertaken by a statutory agency or their nominated contractor; and~~*
- 3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.*

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: ..

36. The s42A report writer supports this submission in part and proposes the following amendment to the rule and proposes that the Permitted Activity should refer to Natural Hazard Mitigation Structures only:

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 ~~a ctivities 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. Activity status where compliance not achieved: Controlled

37. While I agree with the s42A report writers' recommendation to remove hazard mitigation activities as permitted activities and the insertion of structures with proposed constraints. I would recommend changes to the wording as follows:

Provided that any changes to the orientation or outline of the structure do not exceed 10% of the overall dimensions as of 14 July 2022.

38. I agree with the s42A report writer when they argue that Natural hazard mitigation structures constructed by a statutory agency are planned in a different way to those undertaken by a private individual and that they have a higher degree of oversight on the design and implementation of such structures and a greater awareness of unintentional environmental effects. This does not mean that the activity should be considered a permitted activity. There could be adverse effects (especially on conservation values) that are not avoided remedied or mitigated.

39. I support the recommended changes by the S42A report writer that would require resource consent to be obtained for new natural hazard mitigation structures within an ONFL. I agree with the S42A report writer regarding emergency hazard mitigation work being provided for through the emergency provisions of s330 of the RMA.

NFL-R5

40. The D-G sought the following amendments to rule NFL-R5:

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

The maximum height of any addition or alteration to buildings and structures above ground level is 5m; and

The maximum size of the addition is no greater than 50m² , or 10% of the total floor area, whichever is greater. Advice Note: ...

41. The S42A report writer supports 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

42. The D-G sought the following amendments to the rule:

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: ~~Controlled~~ Restricted Discretionary ...~~

43. The S42A report writer does not support the deletion of clause a and b which apply to permitted activity standards for network utility structures and energy activity undertaken by a network utility operator. The reason for this is that there are existing transmission and infrastructure networks through some ONFL (particularly in South Westland and around the Paparoa Range) that need to operate. The report writer notes that for recent Transpower upgrades replacing towers with pi-pole structures, at each site the earthworks were in the range of 20-32m³.
44. The D-G sought to reduce the volume of earthworks Permitted in an ONFL to 200m³ /year. The s42A report writer rejects this submission on the basis that the effects of vegetation removal will have the most significant visual impact and that is strictly controlled by rules in the ECO chapter. Whilst I agree with the point that vegetation clearance in a bush clad environment would have adverse visual effects, there is a possibility that the earthworks could disturb areas of high geodiversity and for that reason should be limited not only to disturbance of vegetation but disturbance the outstanding natural feature and landscape in general.
45. The s42a report writer notes that almost all new buildings in ONFL also require resource consent and that earthworks would be considered a relatively minor part of the activity especially given the maximum 1m depth of cut and fill. I note that this rule is not always associated with building construction and earthworks could be undertaken at any point up to the maximum permitted volume without any consent/mitigation. The reduction in permitted area will reduce the impact of permitted earthworks on the Outstanding Natural Feature or Landscape. The S42A report writer supports the removal of reference to natural hazard mitigation activities that are subject to NFL-R3.
46. The S42a report writer notes most of the ONFL areas across the West Coast are under the management of the Department of Conservation and that 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 agree that the areas within public conservation land will have an extra level of checks etc. ONFLs outside of public conservation land should also have controls on modification and earthworks to ensure that their values are maintained.

NFL-R8

47. The D-G sought the following amendment:

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 For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or*~~

48. The S42A report writer does not support the D-G's submission point and considers 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 they note 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

49. I note that policy 3 refers to 'resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure'. Which anticipates that these activities will require a resource consent and not be permitted activities. Policy 6 is an enabling policy which highlights the importance of avoiding adverse effects and if unavoidable mitigating those effects. This is best done through a consenting pathway rather than making the national grid a permitted activity.

50. The S42A report writer recommends the following changes to the notified rule NFL-R8:

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 100m²

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 100m² ;

7. A bridge constructed as part of a Temporary Military Training Activity.

51. I agree with the S42A report writer that for an existing network utility (including customer connections) this should be a permitted activity in accordance with the

Permitted Activity standards for Infrastructure in Rule INF - R7 and ENG-R4 as modified in Appendix 1 of the Energy, Infrastructure and Transport S42A report. The proposed amendments restricted permitted activities to those that related to existing infrastructure and not new infrastructure.

NFL – R9

52. The s42A report writer supports the submissions of Department of Conservation and proposes that this rule should be considered a Restricted Discretionary Activity, for all natural hazard activities:

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

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

- 1. These are to protect Critical Infrastructure; and*
- 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.*
- 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.*

NFL-R10

53. The D-G submitted that the activity status for rule NFL-R10 is changed from controlled to restricted discretionary. And that clause 1. d should include the upgrade, operation, repair and maintenance of a renewable electricity generation activity and Clause 1. f should be modified to refer to regionally significant infrastructure rather than critical infrastructure. And that the term 'landscape measures' is removed from clause 2. e.

54. The S42A report writer agrees 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 and agrees this rule should be a Restricted Discretionary Activity.
55. The D-G also requested that the following matters of control and discretion are added to all controlled and restricted discretionary NFL provisions: *Adverse effects on historical, cultural, and biodiversity values; Amenity and visual effects*. The s42A report writer supports the inclusion of these matters of control and discretion as they are important matters that are not currently identified in the rules, I agree with this and support their inclusion.

SUB-R11

56. The D-G sought that the activity status be changed to full Discretionary due to effects on the natural and physical environment including long-term development patterns that cannot be easily changed.
57. The s42A report writer does not support this submission point as they state 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. Provided the matters of restriction do allow for an assessment against the policies of the Plan, that a Restricted Discretionary Activity is appropriate. With the additional matters of discretion that relate to policies NFL-P1 – NFL-P9 I support the proposed restricted discretionary activity status as recommend by the S42A report writer as follows:

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.

Conclusion

58. The D-Gs submission contained limited points related to the provisions covered by this topic. The points that have been accepted in part by the Officers report have been discussed above and I agree with the approach recommended by the Officer.



Amy Young

RMA Planner

DATED this 12 February 2024

Appendix One Table of submission points and changes sought

Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
NFL Overview	Support	The overview provides a clear description of Outstanding Natural Landscapes and Outstanding Natural Features, and the other Plan provisions that apply in these areas.	Support the overview in its entirety.	Support noted	No changes to S42A sought
All NFL Matters of discretion and control	Support with amendments	Amend all matters of discretion and control to ensure that the assessment of adverse effects for activities within ONLs and ONF consider the adverse effects on amenity and cultural, historic and ecological values.	<p>Add the following matters of control and discretion to all controlled and restricted discretionary NFL provisions:</p> <ol style="list-style-type: none"> 1. <u>Adverse effects on historical, cultural, and biodiversity values;</u> 2. <u>Amenity and visual effects;</u> 	<p>Submission point accepted</p> <p><i>NFL - R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3</i></p> <p><i>Activity Status Controlled-Restricted Discretionary</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. <i>These are to protect Critical Infrastructure; and</i> 2. <i>These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.</i> <p>Matters of control are <i>Discretion is Limited to:</i></p> <ol style="list-style-type: none"> a. <i>Any requirements for landscape evaluation;</i> b. <u>Managing adverse effects on historical, cultural, and biodiversity values;</u> c. <u>Amenity and visual effects.</u> d. <i>Managing effects on public access and natural character;</i> 	No changes to S42A sought

Appendix One Table of submission points and changes sought

Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
				<p><i>e. Effects on the values that make the feature Outstanding;</i></p> <p><i>f. <u>Identifying and avoiding adverse effects on Poutini Ngāi Tahu values</u></i></p> <p><i>g. Extent and design of earthworks; and</i></p> <p><i>h. Landscape measures.</i></p>	
Natural Features and Landscapes Objective NFL - O1	Support with amendments	Support Objective NFL - O1, and amend 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.	Amend Objective NFL - O1: <i>To protect the values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini from inappropriate subdivision, use and development, while providing for allowing subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</i>	Allow in part: To protect <i>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.</i>	No changes to S42A sought
Policy NFL - P1	Support with amendments	Support Policy NFL - P1 and amend it to delete the provision for new infrastructure, renewable electricity generation, and hazard mitigation as these activities can adversely affect ONFs and ONLs, and should require a resource consent to be obtained, and existing infrastructure is addressed in a.	Amend Policy NFL - P1: <i>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:</i> <ul style="list-style-type: none"> <i>a. Existing land uses and lawfully established activities including existing network utilities, energy activities, agricultural, horticultural and pastoral activities;</i> <i>b. Conservation activities;</i> <i>c. Recreational activities;</i> 	<i>NFL - P1 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 <u>maintain</u> the values that <u>together</u> contribute to a natural feature or landscape being outstanding and are for:</i> <ul style="list-style-type: none"> <i>a. Existing land uses and lawfully established activities including existing <u>lawfully established residential activities, regionally significant infrastructure, network utilities, renewable energy generation activities, mineral extraction, agricultural, horticultural and pastoral activities;</u></i> <i>b. Conservation activities;</i> <i>c. Recreational activities;</i> <i>d. <u>Maintenance and repair of natural hazard mitigation activities structures;</u> e. <u>Upgrading of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor</u></i> 	Support in part (Prefer the deletion of clause g)

Appendix One Table of submission points and changes sought

Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
			<p>d. Natural hazard mitigation activities;</p> <p>e. Operation, maintenance and upgrade of renewable electricity generation facilities;</p> <p>f. Operation, maintenance and upgrading of network infrastructure;</p> <p>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;</p> <p>h. Poutini Ngāi Tahu uses;</p> <p>or</p> <p>i. The alteration, maintenance or removal of existing buildings or structures.</p>	<p>e. f. Operation, maintenance and upgrade of renewable electricity generation facilities;</p> <p>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;</p> <p>h. Poutini Ngāi Tahu uses activities; or</p> <p>i. The alteration, maintenance or removal of existing buildings or structures.</p>	
Policy NFL-P2	Support with amendments	Support Policy NFL – P2 and amend it so it more explicitly set out the sequence of effects assessment methods in accordance with the effects management hierarchy.	<p>Amend Policy NFL – P2:</p> <p><i>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 otherwise minimised, remedied or, mitigated, offset or compensated in accordance with the effects management hierarchy.</i></p>	<p>Where possible <i>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.</i></p>	Support s42A report no changes sought

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Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
Policy NFL-P3	Support with amendments	Support Policy NFL – P3 and amend it so that development in these areas should only be ‘allowed’ where the values are not adversely affected.	Amend Policy NFL – P3: <i>Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for <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>	<i>Recognise that there are settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and provide for <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>	Support s42A report no changes sought
Policy NFL-P4	Support with amendments	Support Policy NFL – P4 and amend it to ensure adverse effects are also managed by limiting landform modification through earthworks.	Amend Policy NFL – P4: <i>Require that new buildings, <u>and</u> structures within outstanding natural features or landscapes minimise any adverse visual effects by:</i> <ul style="list-style-type: none"> <i>a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;</i> <i>b. Using naturally occurring building platforms, materials and colour that blends into the landscape <u>and limits landform modification through earthworks;</u></i> <i>and</i> <i>Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape</i>	<i>Require that new buildings and 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 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.</i>	Support s42A report no changes sought
Policy NFL-P5	Support with amendments	Support Policy NFL – P5 and amend it to ensure adverse effects are also managed by limiting landform modification through earthworks, are assessed in accordance with the effects management hierarchy, and the assessment considers effects	<i>Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing</i>	NFL - P5 <i>Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:</i> <i><u>When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:</u></i>	The s42A report writer does not support the inclusion of these matters as an assessment of alternatives is a requirement under the RMA where there are significant adverse effects on

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		<p>on amenity, recreation, historical and biodiversity values, so that adverse effects can be appropriately managed to protect outstanding natural landscapes and outstanding natural features from inappropriate subdivision, use and development.</p>	<p><i>proposals for land use or subdivision:</i></p> <p><i><u>a. Whether an assessment of alternatives has been provided;</u></i></p> <p><i><u>b. Whether the assessment of effects on outstanding natural landscape and outstanding natural feature values is in accordance with the effects management hierarchy;</u></i></p> <p><i>c. The <u>nature, scale and extent of modification to the landscape or feature;</u></i></p> <p><i>d. ...</i></p> <p><i><u>k. Management of effects on amenity, recreation, historical and biodiversity values;</u></i></p>	<p><i>a. The <u>nature, scale and extent of modification to the landscape;</u></i></p> <p><i>b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;</i></p> <p><i>c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary, <u>short term</u> or permanent nature of any adverse effects;</i></p> <p><i>e. The functional, technical, operational or locational need of any activity to be sited in the particular location;</i></p> <p><i>f. Any historical, spiritual or cultural association held by <u>Poutini Ngāi Tahu or Māori Landowners who whakapapa to Poutini Ngāi Tahu</u></i></p> <p><i>g. Any positive effects the development has on the identified characteristics and qualities;</i></p> <p><i>h. Any positive effects at a national, regional and local level;</i></p> <p><i>i. Any relevant public safety considerations; and</i></p> <p><i>j. The measures proposed to mitigate the effects on the values and characteristics, including:</i></p> <p><i>i. The location, design and scale of any buildings or structures, or earthworks;</i></p> <p><i>ii. The intensity of any activity; and</i></p> <p><i>iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;</i></p> <p><i><u>k. The extent to which an activity or structure is lawfully established; and</u></i></p> <p><i><u>l. The management of effects on natural character, amenity, recreation, historical and biodiversity values.</u></i></p>	<p>ONFL. The s42A report writer has recommended that the following advice note be attached to Rules NFL – R11 and NFL – R12:</p> <p style="text-align: center;"><i>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.</i></p> <p>I agree with the S42A report writer that assessment of alternatives is a requirement under the RMA and support the approach of using the advice note to advise plan users of their obligations. This will help to ensure that complete applications are provided and ensure better outcomes for conservation values.</p>

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
<p>NFL - R3 Natural hazard mitigation activities including earthworks in an Outstanding Natural Landscape described in Schedule Five</p>	<p>Oppose</p>	<p>Amend Rule NFL - R3 as natural hazard mitigation structures, particularly where these are hard protection structures or a larger scale can have more than minor adverse effects on ONLs and ONFs. Hazard mitigation structures should therefore be a restricted discretionary activity so the adverse effect of these can be appropriately assessed through a resource consent application. The type of applicant should have no bearing on whether a resource consent for natural hazard mitigation is appropriate, and this should be removed</p>	<p>Amend Rule NFL - R3: <i>Activity Status Permitted <u>Restricted Discretionary</u></i></p> <p>Where:</p> <ol style="list-style-type: none"> 2. 4. <i>The natural hazard mitigation activities are to protect critical infrastructure; The natural hazard mitigation activities are undertaken by a statutory agency or their nominated contractor; and</i> 3. <i>The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.</i> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>Any requirements for landscape evaluation;</u> 2. <u>Managing effects on public access and natural character;</u> 3. <u>Effects on the values that make the feature Outstanding;</u> 4. <u>Extent and design of earthworks;</u> 5. <u>Effects on historical, cultural, and biodiversity values;</u> 6. <u>Amenity and visual effects;</u> 7. <u>Alternative methods to avoid or mitigate the identified hazard risks and</u> 8. <u>Landscape measures.</u> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. <i>Any indigenous vegetation clearance associated with natural hazard mitigation activities is subject to the provisions in the Ecosystems and Biodiversity Chapter</i> 2. <i>For any natural hazard mitigation activity within Outstanding Natural Landscapes in the coastal</i> 	<p>NFL - R3 <u>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:</u></p> <p>Permitted Where:</p> <ol style="list-style-type: none"> 1. <u>The natural hazard mitigation structure has been lawfully established a-ctivities are to protect critical infrastructure;</u> 2. <u>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</u> 3. <u>The work does not involve modification of an Outstanding Natural Feature described in Schedule Six. Activity status where compliance not achieved: Controlled</u> 	<p>NFL - R3 <u>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:</u></p> <ol style="list-style-type: none"> 1. <u>The natural hazard mitigation structure has been lawfully established a ctivities are to protect critical infrastructure;</u> 2. <u>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; Provided that any changes to the orientation or outline of the structure do not exceed 10% of the</u>

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
			<p><i>environment, refer to the Coastal Environment Chapter.</i></p> <p>3. <i>Where activities are located in a Historic Heritage, Notable Tree or Sites and</i></p> <p><i>Areas of Significance to Māori Overlay Chapter area, these provisions apply.</i></p>		<p><u><i>overall dimensions as of 14 July 2022 and</i></u></p> <p><i>3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.</i></p> <p><i>Activity status where compliance not achieved: Controlled</i></p>
<p>NFL - R5 Additions or alterations to buildings and structures within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six</p>	<p>Support with amendments</p>	<p>Amend Rule NFL – R5 as additions to ONLs and ONFs should only be a permitted activity where the scale of change is minor and it does not affect the outstanding values of the ONF or ONL. By limiting the permitted size of additions, this enable additions with adverse effects to be appropriately assessed through a resource consent application.</p>	<p>Amend Rule NFL – R5:</p> <p><i>Activity Status Permitted</i></p> <p><i>Where:</i></p> <p>1. <i>The maximum height of buildings and structures above ground level is 5m.</i></p> <p><u><i>The maximum size of the addition is no greater than 50m², or 10% of the total floor area, whichever is greater.</i></u></p> <p><i>Advice Note:</i></p> <p><i>Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.</i></p> <p><i>Activity status where compliance not achieved: Restricted Discretionary</i></p>	<p>NFL - R5 Additions or alterations to buildings and structures <u>including upgrades to Energy Activities and Infrastructure</u> within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six Activity Status Permitted</p> <p>1. The maximum height of <u>any addition or alteration to buildings and structures above ground level is 5m; and</u></p> <p>2. <u>The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater; and</u></p> <p>3. <u>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.</u></p> <p><i>Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.</i></p> <p><i>Activity status where compliance not achieved: Restricted Discretionary</i></p>	<p>Support s42A report no changes sought</p>

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
<p>NFL - R6 Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six</p>	<p>Oppose</p>	<p>Amend Rule NFL – R6 as imposing no limits for earthworks on infrastructure providers or network utility operators within ONLs and ONFs can have adverse effects on the outstanding values of those areas. Further the maximum permitted volume for all activities is too high to be permitted within these areas as earthworks within these controls can still have more than minor adverse effects on outstanding values depending on their location.</p>	<p>Amend Rule NFL – R6: <i>Activity Status Permitted</i></p> <p><i>Where:</i></p> <p>1. All performance standards for Earthworks Rule EW - R1 are complied with; and 2. This is ancillary to:</p> <p>a. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or</p> <p>b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;</p> <p>3. For other earthworks, the following standards are complied with:</p> <p>a. The cut height or fill depth does not exceed one metre vertically;</p> <p>b. No more than 5200m³ of earthworks are undertaken/12 month period/site; and</p> <p>c. The earthworks are undertaken outside of the Coastal Environment.</p> <p><i>Advice Note:</i></p> <p>1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.</p> <p><i>This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF. 3. Where activities are located in the Coastal</i></p>	<p>NFL - R6 Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six Activity Status Permitted Where:</p> <p>1. All performance standards for Earthworks Rule EW - R1 are complied with; and</p> <p>2. This is ancillary to: a</p> <p>. An infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or</p> <p>b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;</p> <p>3. For other earthworks, the following standards are complied with:</p> <p>a. The cut height or fill depth does not exceed one metre vertically; and</p> <p>b. No more than 500m³ of earthworks are undertaken/12 month period/site.; and</p> <p>c. The earthworks are undertaken outside of the Coastal Environment.</p> <p><i>Advice Note:</i></p> <p>1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL – R3.</p> <p>2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - CF.</p> <p>3. Where activities are located in the Coastal Environment, the provisions are located in the Coastal Environment Chapter. <u>and this rule does not apply</u></p> <p>Activity status where compliance not achieved: Controlled</p> <p>Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment</p>	<p>Support s42A report no changes sought</p>

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
			<p><i>Environment, the provisions in the Coastal Environment Chapter apply.</i></p> <p><i>Activity status where compliance not achieved: Controlled <u>Restricted Discretionary</u></i></p> <p><i>Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment</i></p>		
<p>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</p>	<p>Support with amendments</p>	<p>Amend Rule NFL – R8 as a consequence to the changes sought in the submission above.</p>	<p>Amend Rule NFL – R8:</p> <p><i>Activity Status Permitted</i></p> <p><i>Where the structure is:</i></p> <ol style="list-style-type: none"> <i>1. A fence; or</i> <i>2. Associated with stock water reticulation including tanks, pipes and water troughs; or</i> <i>3. For parks facilities or parks furniture in any Open Space Zone; or</i> <p><i>For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF – R7; or...</i></p>	<p>59. The S42A report writer recommends the following changes to the notified rule NFL-R8:</p> <p><i>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:</i></p> <ol style="list-style-type: none"> <i>1. A fence; or</i> <i>2. Associated with stock water reticulation including tanks, pipes and water troughs; or</i> <i>3. For parks facilities or parks furniture in any Open Space Zone; or</i> <i>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</i> <i>5. For a single small-scale renewable electricity generation activity per allotment</i> 	<p><i>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:</i></p> <ol style="list-style-type: none"> <i>1. A fence; or</i> <i>2. Associated with stock water reticulation including tanks, pipes and water troughs; or</i> <i>3. For parks facilities or parks furniture in any Open Space Zone; or</i> <i>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</i>

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				<p>with a maximum height above ground level of 5m where;</p> <p><u>a. The maximum height is 5m above ground level; and</u></p> <p><u>b. The gross floor area of any building does not exceed 100m²</u></p> <p>6. For agricultural, pastoral and horticultural activities <u>and mahinga kai activities</u> 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 100m² ;</p> <p><u>7. A bridge constructed as part of a Temporary Military Training Activity.</u></p>	<p>5. For a <u>single small-scale renewable electricity generation activity per allotment with a maximum height above ground level of 5m where;</u></p> <p><u>a. The maximum height is 5m above ground level; and</u></p> <p><u>b. The gross floor area of any building does not exceed 100m²</u></p> <p>6. For agricultural, pastoral and horticultural activities <u>and mahinga kai activities</u> 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 100m² ;</p> <p><u>7. A bridge constructed as part of a Temporary Military Training Activity</u></p> <p><u>New infrastructure activities should be restricted discretionary activities.</u></p>
NFL - R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3	Oppose	Oppose Rule NFL - R9 for the same reasons provided in DOCs submission to NFL - R3 above.	Delete Rule NFL - R9 in its entirety.	<p><u>NFL – R9</u></p> <p>4. The s42A report writer supports the submissions of Department of Conservation and proposes that this rule should be considered a Restricted Discretionary Activity, for all natural hazard activities:</p>	Support s42A report no changes sought

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
				<p><i>NFL - R9 Natural Hazard Mitigation Activities including Earthworks not meeting Rule NFL - R3</i></p> <p><i>Activity Status Controlled <u>Restricted Discretionary</u></i></p> <p><i>Where:</i></p> <p><i>1. These are to protect Critical Infrastructure; and</i></p> <p><i>2. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.</i></p> <p><i>Matters of control are Discretion is Limited to:</i></p> <p><i>a. Any requirements for landscape evaluation;</i></p> <p><i><u>b. Managing adverse effects on historical, cultural, and biodiversity values;</u></i></p> <p><i><u>c. Amenity and visual effects.</u></i></p> <p><i>d. Managing effects on public access and natural character;</i></p> <p><i>e. Effects on the values that make the feature Outstanding;</i></p> <p><i><u>f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values</u></i></p> <p><i>g. Extent and design of earthworks; and</i></p> <p><i>h. Landscape measures.</i></p>	

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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	Oppose	Oppose Rule NFL - R10 and amend it so that resource consent is required for a restricted discretionary activity, as earthworks that are 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.	<p>Amend Rule NFL - R10:</p> <p><i>Activity Status Controlled <u>Restricted Discretionary</u></i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> 1. <i>These are for:</i> <ol style="list-style-type: none"> a. <i>Walking/cycling tracks;</i> b. <i>Roads, farm tracks or fences;</i> c. <i>Installation of network utility infrastructure; or</i> d. <i>Installation of a renewable electricity generation facility; or</i> e. <i>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</i> f. <i>Protection of critical infrastructure from natural hazards; and</i> 2. <i>Earthworks are the minimum required to undertake the activity...</i> <p><u>Discretion is restricted to:</u></p>	<p>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</p> <p>Activity Status Controlled <u>Restricted Discretionary</u></p> <p>Where: 1. These are for:</p> <ol style="list-style-type: none"> a. Walking/cycling tracks; or b. Roads, farm tracks or fences; or c. Installation of network utility infrastructure; or d. Installation, <u>Upgrade, Maintenance, Operation and Repair</u> of a renewable electricity generation facility <u>activity</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; <u>or</u> f. Protection of critical <u>regionally significant</u> infrastructure from natural hazards; and <p>2. Earthworks are the minimum required to undertake the activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Any requirements for landscape evaluation; • <u>Managing adverse effects on historical, cultural, and biodiversity values;</u> • <u>Amenity and visual effects;</u> • Managing effects on public access and natural character; • Effects on the values that make the feature Outstanding; • <u>Identifying and avoiding adverse effects on Poutini Ngāi Tahu values</u> 	Support s42A report no changes sought

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
			<p>1. <i>Any requirements for landscape evaluation;</i> 2. <i>Managing effects on public access and natural character;</i> 3. <i>Effects on the values that make the feature Outstanding;</i> 4. <i>Extent and design of earthworks;</i> 5. <i>Effects on historical, cultural, and biodiversity values;</i> 6. <i>Amenity and visual effects; and</i> 7. <i>Landscape measures.</i></p> <p><i>Activity status where compliance not achieved: Discretionary</i></p>	<ul style="list-style-type: none"> • Extent and design of earthworks; and • Landscape measures. <p>Advice Note: 1. <u>Within the Coastal Environment</u>, For-rule NFL – R10 Earthworks within Outstanding Natural Features and Landscapes <u>does not apply</u>. In the Coastal Environment Refer to the Coastal Environment Rules.</p> <p>2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PCF. Activity status where compliance not achieved: Discretionary</p>	
All other natural features and landscapes provisions	Neutral	DOC is neutral as these do not affect priority conservation values, biodiversity values, or DOC's interests.	NA	NA	NA
Subdivision rule SUB-R11	Amend	The D-G sought that the activity status be changed to full Discretionary due to effects on the natural and physical environment including long-term development patterns that cannot be easily changed.		<p><i>Rule SUB – R11.</i></p> <p><i>Discretion is restricted to:</i></p> <p><i>a. <u>Matters outlined in Policies NFL P1 – NFL -P9 as relevant;</u></i></p> <p><i>b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;</i></p> <p><i>c. The size, design, shape, location and layout of allotments;</i></p> <p><i>d. The provision of infrastructure and services for transport, drinking water, wastewater and stormwater, telecommunications and energy;</i></p>	Support s42A report no changes sought

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Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
				<p><i>e. The adequacy of water supply for firefighting;</i></p> <p><i><u>f. Measures to address any natural hazards or geotechnical constraints;</u></i></p> <p><i><u>g. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;</u></i></p> <p><i>h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and</i></p> <p><i>i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.</i></p>	