

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: Subdivision, Financial Contributions and Public Access
Submitter ID: S602, Further Submitter ID: FS602
Dated 15 March 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: Subdivision, Financial Contributions And Public Access

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 Natural Character of Waterbodies and Activities on the Surface of Water and Natural Features and Landscapes 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 content within the proposed Subdivision Chapter. I note that the Director General withdrew its only submission point (S602.099) which related to the Public Access Chapter of the Plan at the time of lodging a further submission. This has not been actioned and subsequently this submission point has been assessed and taken into account by the S42A report writer. Please note that I will not be filing evidence on this submission point or any part of the Public Access Chapter.

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 6:
 - Subdivision - Te Wawaetanga
 - Financial Contributions - Ngā Rourou Pūtea
 - 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: Subdivision, Financial Contributions and Public Access.

HEARING TOPIC 12– SUBDIVISION, FINANCIAL CONTRIBUTIONS AND PUBLIC ACCESS

12. The D-Gs submission sought amendments to the Subdivision chapter. Some of these amendments have been supported in the S42A Officer's report. I provide comments on submissions not accepted by the Officer's recommendation below.

Overview

13. The D-G sought a change to the wording of paragraph 3 the Overview Section by including the words "or significant". The current wording does not provide for significant features that have not yet been identified. The overview does however refer to site or area of ecological significance. I am comfortable that the notified wording is broad enough to encompass significant ecological areas that have not

been identified in the plan and agree with the S42A report writer not to amend the overview section as recommend in the D-Gs submission.

...Subdivision of land that contains an identified or significant feature, site or area of natural, cultural, historical or ecological significance, or where there are significant natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving identified features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area....

Objectives and Policies

14. The D-G sought amendments to Subdivision Objective SUB-O3 and policies SUB-P1, P4 and P9.

15. The D-G sought the following amendments to Subdivision Objective SUB-O3:
Subdivision design and development protects significant coastal, natural, ecological, landscape, historical and Poutini Ngāi Tahu features and resources and ~~responds is~~ of a scale, density and design that is compatible with ~~to~~ the physical characteristics and constraints of the site and surrounding environment.

16. The S42A report writer disagrees with the D-Gs submission but did recommend the following changes.

Subdivision design and development protects significant coastal, natural, ecological, landscape, historical and Poutini Ngāi Tahu values, features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.

17. I am comfortable with the S42A report writer amendments to this objective and their reasoning for the inclusion of the phrase "is of a scale, density and design that is compatible with" in a policy rather than in an objective. The D-G made submissions on SUB-P1 to ensure that all significant natural areas would be captured by the policy and not just those that were identified in the schedule. I note that regardless of mapping of the SNA that if there is an area of significance it would be considered under SUB-P1 clause (d) in the S42A report which seeks to "Enable subdivision that creates allotments that:

e. Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; and"

18. The D-G sought amendments to SUB-P4 which has not been accepted by the S42A report writer however no reference has been made to this submission point in the report. The policy intent is to manage significant risks from natural hazards. To manage significant risks from natural hazards my opinion is that subdivision should avoid significant risks that create or exacerbate existing natural hazards, including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding.
19. The D-G sought that policy SUB-P9 was retained as notified. The policy wording has been amended by the S42A report writer. I support the changes proposed by the section 42A report writer.

Rules

20. The D-G submitted in support of SUB-R3 and SUB-R4 with proposed amendments. The 42A report writer has included in the matters of control:
 - a) *The design and layout of allotments, including space for a compliant building platform within any vacant allotment, and the ability to accommodate permitted and/or intended land uses;*
21. This amended matter of control reflects the intent of the objective wording that was rejected by the S42A report writer in proposed changes to SUB-O3: "is of a scale, density and design that is compatible with". I support the inclusion of the wording to clause a)
22. The D-G supported rules SUB-R5-SUB-R8 and SUB-R12 with proposed amendments which sought to include significant natural areas that were identified through the resource consent process. The S42A report writer has not included this specific wording but recommends removing reference to those areas identified in schedule four.
"This is not within a Significant Natural Area ~~as identified in Schedule Four~~ subject to Rule SUB - R7;"
23. I support the wording proposed by the S42A report writer as it aligns with the intent to protect all significant natural areas and not only the areas that have already been identified on the schedule four.
24. I note that the S42A report writer has not been consistent with the wording changes proposed in SUB-R5-SUB-R8 and in SUB-R9/ECO-R6. I recommend that reference to significant natural areas in clause 3 should not be limited to those on schedule four and that the reference to schedule four is removed from this rule provision also.

3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area ~~identified in Schedule Four~~;

25. The S42A report writer does not support the proposal to amend the activity status of rules SUB-R11 from Restricted Discretionary to a fully Discretionary activity. Oppose the restricted discretionary activity status for Rule SUB-R11 regarding subdivision in the Outstanding Natural Landscapes and Features. As set out in the overview, 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.

Subdivision Standards

26. The D-G submitted on subdivision standard SUB-S2 and sought that the standard was amended to ensure that building platforms are located outside of any significant feature identified in a resource consent and that they can comply with any applicable overlay area. The reason for this was to control effects on indigenous vegetation removal on significant natural areas by designing a subdivision with building platforms that could avoid those areas. The S42A report writer supports this amendment in part and has amended clause (a) as follows:

'...a. Must allow the buildings to comply with the standards for a permitted activity in the ~~underlying zone under this~~ District Plan; and'

27. I am comfortable with this proposed change as it does not allow for buildings that would not be a permitted activity.



Amy Young

RMA Planner

DATED this 15 March 2024

Appendix One:

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
Overview	Support with amendments	Amend paragraph 3 of the overview to recognise that not all features subject to additional provisions in the Plan are identified in the Plan. These include habitats of significant flora and fauna which may not be mapped, or sites of cultural significance which may not be mapped.	Amend paragraph 3 of the overview: <i>...Subdivision of land that contains an identified <u>or significant</u> feature, site or area of natural, cultural, historical or ecological significance, or where there are significant natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area. Subdivision applications involving identified features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area....</i>	No changes to notified text proposed. Overview Subdivision is the process of dividing an allotment of land or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed. Subdivision should also provide for good connectivity and integration which incorporates multi-modal transport opportunities. Subdivision will be assessed against Te Tai o Poutini Plan objectives, policies, rules and	Support S42A report recommendation

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				<p>standards and any relevant development plans.</p> <p>Subdivision of land that contains an identified feature, site or area of natural, cultural, historical or ecological significance, or where there are significant natural hazards will be subject to additional provisions - and assessment against the objectives and policies in the relevant Overlay chapter concerning the feature, site or area.</p> <p>Subdivision applications involving identified features, sites or areas may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature, site or area. Māori land is exempt from the subdivision provisions of the Act. It is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.</p>	

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SUB - 03	Support with amendments	Amend Objective SUB-03 to make the objective explicit that the protection of significant features includes landscapes, and the scale, density and design of the subdivision is compatible with the physical	Amend Objective SUB-03: <i>Subdivision design and development protects significant coastal, natural, ecological, <u>landscape</u>, historical and Poutini Ngāi Tahu features and resources and responds <u>is of a scale, density and design that is compatible with</u> to the physical characteristics and constraints of the site and surrounding environment.</i>	<p>Department of Conservation (S602.120) request that ‘responds’ is replaced by the words ‘is of a scale, density and design that is compatible with’, and that ‘landscapes’ be included in the list of matters to be protected. It is agreed that the reference to ‘landscapes’ in this objective is appropriate because s6(b) refers to protecting ONFs and ONLs from inappropriate subdivision, use and development. With respect to the points relating to scale, density and design, I consider this level of detail is more appropriate for a policy.</p> <p>That SUB-03 is amended as follows: Subdivision design and development protects significant coastal, natural, ecological, <u>landscape</u>, historical and Poutini Ngāi Tahu <u>values, features and resources</u> and responds to the physical characteristics and constraints of the site and surrounding environment.</p>	Support proposal to include the term “landscape” and the term ”values” instead of “features and resources”

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		characteristics and constraints of the site.			
SUB - P1	Support with amendments	Amend Policy SUB-P1 to make the policy explicit that the protection of significant features includes landscapes, and not all significant features are mapped in the Plan. For example, these include habitats of significant flora and fauna which may not be mapped, or sites of cultural or heritage significance	Amend Policy SUB-P1: Enable subdivision that creates allotments that: a. Are consistent with the purpose, character, and qualities of the applicable zone; b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses; c. Minimises natural hazard risk to people's lives and properties; d. Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan <u>or identified as significant through the resource consent process;</u> and	DoC (S602.121) seeks amendments to SUB.P1 to include features, sites, and areas identified through the resource consent process. I do not support the relief sought as in my view, it is more efficient and effective to apply SUB-P1 to those values and constraints identified in the pTTPP. With regard to SNAs which have not been mapped, the pTTPP includes general vegetation clearance rules under the ECO Chapter. In my view, the subdivision activity does not facilitate vegetation clearance as of right, and the provisions of the ECO Chapter will provide sufficient protection to those areas of SNA that are not mapped but include significant indigenous biodiversity. The	Amend Policy SUB-P1 to take into account significant natural areas that have not yet been identified and mapped. SUB-P1 Enable subdivision that creates allotments that: a. Are consistent with the purpose, character, and qualities of the applicable zone; b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses; <u>c. Are integrated and connected to the immediately surrounding area and road network;</u>

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		which may not be mapped.	e. Have legal, physical and safe access to each allotment created by the subdivision.	<p>relief sought is therefore not considered to be necessary.</p> <p>SUB-P1 Enable subdivision that creates allotments that:</p> <p>a. Are consistent with the purpose, character, and qualities of the applicable zone;</p> <p>b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses;</p> <p>c. Are integrated and <u>connected to the immediately surrounding area and road network</u>;</p> <p>d. Minimises natural hazard risk to people's lives and properties;</p> <p>e. Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan; and</p> <p>f. <u>Protects the safe and efficient operation and</u></p>	<p>d. Minimises natural hazard risk to people's lives and properties;</p> <p>e. Protects significant cultural, historical, natural and ecological features sites and areas identified on the planning maps and in the Schedules in the Plan <u>or identified as significant through the resource consent process</u> ; and</p> <p>f. <u>Protects the safe and efficient operation and maintenance of infrastructure</u>; and</p> <p>g. Have legal, physical and safe access to each allotment created by the subdivision.</p>

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				<p><u>maintenance of infrastructure;</u> <u>and</u> g. Have legal, physical and safe access to each allotment created by the subdivision.</p>	
SUB - P4	Oppose	Subdivision that creates new or exacerbates existing natural hazards should be avoided.	<p>Amend Policy SUB-P4:</p> <p>Manage significant risks from natural hazards by restricting <u>avoiding</u> subdivision that:</p> <ul style="list-style-type: none"> a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or b. Results in adverse effects on the stability of land and buildings; and c. Does not provide safe, flood free and stable building platforms at the time of subdivision. 	<p>No reference made to this submission point.</p> <p>No changes proposed in S42A report</p> <p>SUB-P4-Manage significant risks from natural hazards by restricting subdivision that:</p> <ul style="list-style-type: none"> a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or b. Results in adverse effects on the stability of land and buildings; and c. Does not provide safe, flood free and stable building platforms at the time of subdivision. 	<p>The S42A report writer does not make an assessment of this policy. I do not support the current wording and recommend that the policy is reworded as per the D-Gs submission as follows:</p> <p>Manage significant risks from natural hazards by restricting <u>avoiding</u> subdivision that:</p> <ul style="list-style-type: none"> b. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or c. Results in adverse effects on the stability

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					<p style="text-align: center;">of land and buildings; and</p> <p>Does not provide safe, flood free and stable building platforms at the time of subdivision.</p>
SUB - P9	Support	Policy SUB-P9 is supported as it enables the vesting of esplanade reserves and strips to respond to the natural features, constraints and opportunities of the site.	Retain Policy SUB-P9 as notified.	<p>Accept in part</p> <p>SUB-P9 To require esplanade reserves or esplanade strips for allotments of less than 4 ha to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:</p> <p>a. The natural values <u>The protection of conservation values, or the enabling of public access, or the enabling of public recreational use that is compatible with conservation values, or reduction of natural hazard risk</u> warrant a wider or narrower esplanade strip or esplanade reserve; or</p>	I support the proposed changes to the plan by the S42A report writer.

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				<p>b. Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or</p> <p>c. The protection of Sites and Areas of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or</p> <p>d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or</p> <p>e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion)</p>	
<p>SUB - R3 All Zones and All Overlays - Boundary Adjustments</p> <p>SUB - R4 All Zones and All Overlays - Subdivision for a Network</p>	Support with amendments	Amend Rule SUB-R3 to ensure the subdivision protects coastal features, natural character and landscapes, and any other	<p>Amend the matters of control in Rules SUB-R3 and SUB-R4:</p> <p>...Protection, maintenance or enhancement of natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, <u>coastal</u></p>	<p>Matters of control are:</p> <p>a. The design and layout of allotments, <u>including space for a compliant building platform within any vacant allotment</u>, and the ability to accommodate permitted and/or intended land uses;</p> <p>b. The design and provision of access;</p>	Support changes proposed by the S42A report writer in part. Reference to significant areas identified through the resource consent process allows for other areas that have not been mapped to be assessed in this process. Matters of control are:

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Utilities, Critical Infrastructure, Access or Reserves		features identified as significant in the resource consent.	<u>features, natural character, landscapes, or any other identified features identified through the resource consent...</u>	<p>c. The provision, design and construction of infrastructure and services;</p> <p>d. Any requirements which arise from the location in relation to natural hazards;</p> <p>e. Effects of development phase works on the surrounding area; and</p> <p>f. <u>Management of adverse effects on Protection, maintenance or enhancement of outstanding natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, coastal features, natural character, landscapes, or any other identified features; and</u></p> <p>g. <u>The ability to access, operate or upgrade existing infrastructure activities, is retained.</u></p> <p>SUB-R4 All Zones and All Overlays - Subdivision for a Network Utilities, Critical Infrastructure, Access or Reserves</p>	<p>a. The design and layout of allotments, <u>including space for a compliant building platform within any vacant allotment</u>, and the ability to accommodate permitted and/or intended land uses;</p> <p>b. The design and provision of access;</p> <p>c. The provision, design and construction of infrastructure and services;</p> <p>d. Any requirements which arise from the location in relation to natural hazards;</p> <p>e. Effects of development phase works on the surrounding area; and</p> <p>f. <u>Management of adverse effects on Protection, maintenance or enhancement of outstanding natural features and landforms, areas of significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, coastal features, natural</u></p>

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				<p>Activity Status Controlled Where:</p> <p>1. The Subdivision is not a Permitted Activity under Rule SUB - R2 Matters of control are:</p> <p>a. The size, design and layout of allotments for the purpose of public network utilities, <u>regionally significant infrastructure</u>, reserves or access;</p> <p>b. Legal and physical access to and from allotments;</p> <p>c. Protection, maintenance or enhancement of <u>Management of adverse effects on outstanding</u> natural features and landforms, natural character, the coastal environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, <u>coastal features, natural character, landscapes</u> or identified features;</p> <p>d. Where relevant, compliance with Subdivision Standards; and</p>	<p><u>character, landscapes, or any other identified features identified through the resource consent process; and</u></p> <p><u>g. The ability to access, operate or upgrade existing infrastructure activities, is retained.</u></p> <p>SUB-R4 All Zones and All Overlays - Subdivision for a Network Utilities, Critical Infrastructure, Access or Reserves</p> <p>Activity Status Controlled Where:</p> <p>1. The Subdivision is not a Permitted Activity under Rule SUB - R2 Matters of control are: a. The size, design and layout of allotments for the purpose of public network utilities, <u>regionally significant infrastructure</u>, reserves or access;</p> <p>b. Legal and physical access to and from allotments;</p>

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				<p>e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.</p>	<p>c. Protection, maintenance or enhancement of <u>Management of adverse effects on outstanding natural features and landforms, natural character, the coastal environment, waterbodies, significant indigenous biodiversity, historic heritage, sites and areas of significance to Māori, archaeological sites, coastal features, natural character, landscapes or identified features identified through the resource consent process ;</u> d. Where relevant, compliance with Subdivision Standards; and e. Any requirements which arise from the location in relation to natural hazards, esplanade reserves or esplanade strips.</p>

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SUB-R5 – SUB-R10, and SUBR12	Support with amendments	Amend the matters of control to ensure the subdivision protects any natural, cultural or heritage feature identified as significant through the resource consent.	<p>SUB - R5 Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones</p> <p>SUB - R6Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone</p> <p>SUB - R7/ECO - R4Subdivision to create allotment(s) of Land Containing an Area of Significant Indigenous Biodiversity</p> <p>SUB - R9/ECO - R6Subdivision of Land to create allotment(s) Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB – R7</p>	<p>SUB - R5 Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones</p> <p>Activity Status Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is not within a Significant Natural Area as identified in Schedule Four subject to Rule SUB - R7; 2. This is not within one of the following locations in the coastal environment: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five ii. Outstanding Natural Feature as identified in Schedule Six; iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; or 3. This is not within an area of: <ol style="list-style-type: none"> i. Outstanding Natural Landscape as identified in Schedule Five; ii. Outstanding Natural Feature as identified in Schedule Six; 	<p>SUB-R5 and SUB-R6</p> <p>Agree with the changes sought in clause one SUB-R5, SUB-R6 as it removes the restriction to scheduled SNA's to all SNA's. Agree with the other changes sought to SUB-R5 and SUB-R6 in the S42A report.</p> <p>No changes proposed to notified SUB-R7. I support this as the subdivision is not restricted to areas of significant indigenous biodiversity that have already been mapped or included in the schedule it relates to all areas of significant indigenous biodiversity.</p>

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				<p>iii.Sites of Historic Heritage as identified in Schedule One; iv.Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay; 4. <u>This is not within a Site or Area of Significance to Māori except those listed below and This only occurs in the following sites and areas of significance to Māori- identified in Schedule Three:</u> i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki</p>	

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				<p>Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;</p> <p>5. This is not within the Earthquake Hazard Overlay;</p> <p>6. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</p> <p>7. All Subdivision Standards are complied with; and</p> <p>8. The subdivision is in general accordance with any <u>structure development plan or outline development plan</u> in place for the site.</p> <p>Matters of control are:</p> <p>a. The design and layout of allotments, <u>including space for a compliant building platform on any vacant allotment</u> and the ability to accommodate permitted and/or intended land uses; b. The design and provision of roads, pedestrian and cycle ways; and c. The design and provision of access;</p> <p>d. The provision of infrastructure and services for drinking water, wastewater and</p>	

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				<p>stormwater, telecommunications and energy; e. The adequacy of water supply for firefighting; f. Any requirements arising from meeting the relevant district Council Engineering Standards, or where no such Standard exists, NZS 4404:2010 Land Development and Subdivision Infrastructure; g. The provision of easements; h. The provision of local purpose reserves; i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; j. Effects of development phase works on the surrounding area; k. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site; l. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created; m. The extent to which any land identified as</p>	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p>contaminated is safe for habitation; and n. Natural hazards or <u>and</u> geotechnical considerations constraints.; <u>and</u> o. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and p. Management of potential reverse sensitivity effects on existing land uses, including <u>regionally significant infrastructure network utilities</u>, rural activities or significant hazardous facilities.</p>	
SUB-R5 – SUB-R10, and SUBR12	Support with amendments	Amend the matters of control to ensure the subdivision protects any natural, cultural or heritage feature identified as significant	SUB - R8 Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard	<p>SUB-R8 Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard.</p> <p>the subdivision protects any natural, cultural or heritage feature identified as significant through the resource consent.</p>	<p>Generally support the changes proposed by the S42A report writer although I suggest a minor change to the Activity Status clause to include reference to the subdivision rule that it refers to.</p> <p>Minor changes sought:</p>

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
		through the resource consent.		<p>Activity Status Controlled Where:</p> <p>1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB-R7;</p> <p>2. This is not within one of the following locations in the coastal environment:</p> <p>i. Outstanding Natural Landscape as identified in Schedule Five;</p> <p>ii. Outstanding Natural Feature as identified in Schedule Six;</p> <p>iii. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight;</p> <p>or</p> <p>3. This is not within an area of:</p> <p>i. Outstanding Natural Landscape as identified in Schedule Five;</p> <p>ii. Outstanding Natural Feature as identified in Schedule Six;</p> <p>iii. Sites of Historic Heritage as identified in Schedule One;</p> <p>iv. Sites and Areas of Significance to Māori as identified in Schedule Three;</p>	<p>... Activity status where compliance not achieved: Restricted Discretionary where 1, 3 or 4 is not complied with Discretionary where 2 or 5 is not complied with Non-complying where SUB-R 86 - 11 is not complied with.</p>

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p>v. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;</p> <p>4. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;</p> <p>5. All Subdivision Standards are complied with; and</p> <p>6. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.</p> <p>7. This is not within the Earthquake Hazard Overlay;</p> <p>1. Any allotment created can contain a 15x15m area of land which:</p> <ul style="list-style-type: none"> i. Is located entirely outside of the Electricity Transmission and Distribution Yard; ii. Has reasonable physical and legal access; and iii. Could accommodate a building which can comply with <u>the standards for a</u> at Permitted Activity <u>in the</u> 	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p><u>District Plan</u> standards for the Zone it is located in.</p> <p>2. The subdivision maintains any existing access to the <u>National Grid Yard Electricity Transmission and Distribution Yard</u>;</p> <p>3. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission <u>or Distribution</u> Operator including any response from the operator; and</p> <p>4. The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.</p> <p>Matters of control are:</p> <p>a. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) ISSN01140663;</u></p> <p>b. <u>The provision for the on-going efficient operation,</u></p>	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p><u>maintenance, development and upgrade of the National Grid, including the ability for continued access to existing transmission lines (including support structures) for maintenance, inspections and upgrading;</u></p> <p>c. The size, design, shape, location and layout of allotments, <u>including the extent to which potential adverse effects are mitigated through the location of building platforms, roads, and reserves;</u></p> <p>d. <u>Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;</u></p> <p>e. <u>Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;</u></p> <p>f. <u>The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;</u></p>	

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				<p>g. The adequacy of water supply for firefighting;</p> <p>h. The requirement for financial contributions as outlined in Rules FC-R1 to FC-R12;</p> <p>i. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;</p> <p>j. Management of any contaminated land;</p> <p>k. Management of reverse sensitivity effects on the national grid <u>to ensure the ongoing operation, maintenance, upgrade, or development of energy activities;</u></p> <p>t. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created</p> <p>m. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;</p> <p>n. Management of construction effects, including traffic movements, hours of</p>	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p>operation, noise, earthworks and erosion and sediment control; and</p> <p>o. Management of potential reverse sensitivity effects on existing land uses, including <u>regionally significant infrastructure network utilities</u>, rural activities or significant hazardous facilities;</p> <p><u>p. Natural hazards and geotechnical considerations;</u> and</p> <p><u>q. The provision of easements.</u></p> <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4</p> <p>Activity status where compliance not achieved: Restricted Discretionary where 1, 3 or 4 is not complied with Discretionary where 2 or 5 is not complied with Non-complying where 86 - 11 is not complied with.</p>	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
			<p>SUB - R10 Subdivision of Land to create allotment(s) in Areas of Historic Heritage identified in Schedule One or within Sites or Areas of Significance to Māori identified in Schedule Three not meeting Rule SUB - R5</p> <p>SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone</p> <p>Amend the Rules to add an additional matter of control or matter of discretion:</p> <p>Management of adverse effects and the protection of any significant natural, cultural or heritage feature or area identified in the resource consent;</p>		
SUB-R9	Support with amendments	Amend the matters of control to ensure the subdivision protects any natural, cultural or heritage feature identified as		<p>No changes sought in S42A report.</p> <p>SUB - R9/ECO - R6 Subdivision of Land to create allotment(s) Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB - R7</p>	<p>Remove reference to Significant Natural areas identified in Schedule 4 and refer to all Significant Natural Areas:</p> <p>SUB - R9/ECO - R6 Subdivision of Land to create allotment(s) Containing an Area of</p>

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
		significant through the resource consent.		<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. Up to three allotments with a minimum lot size of 4,000m2 are created from the parent title; 2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and 4. Subdivision standards S2-S11 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna; 	<p>Significant Indigenous Biodiversity not meeting Rule SUB – R7</p> <p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. Up to three allotments with a minimum lot size of 4,000m2 are created from the parent title; 2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and 4. Subdivision standards S2-S11 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
				<p>b. Management of earthworks including earthworks for the location of building platforms and access ways;</p> <p>c. The protection of habitats of threatened or at risk species; and</p> <p>d. The measures to minimise any adverse effects on:</p> <p>i. The area of significant indigenous biodiversity; and</p> <p>ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.</p> <p>Activity status where compliance not achieved: Discretionary</p>	<p>impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;</p> <p>b. Management of earthworks including earthworks for the location of building platforms and access ways;</p> <p>c. The protection of habitats of threatened or at risk species; and</p> <p>d. The measures to minimise any adverse effects on:</p> <p>i. The area of significant indigenous biodiversity; and</p> <p>ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those</p>

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					values, interests or association. Activity status where compliance not achieved: Discretionary
SUB - R11 Subdivision to create allotment(s) of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six	Oppose	Oppose the restricted discretionary activity status for Rule SUB-R11 regarding subdivision in the Outstanding Natural Landscapes and Features. As set out in the overview, subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily	Amend Rule SUB-R11: Activity Status Restricted Discretionary...	Reject submission: SUB - R11 Subdivision to create allotment(s) of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six Activity Status Restricted Discretionary Where: 1. The site is outside of the Coastal Environment; 2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB - R8, SUB - R9 or SUB -R14; 3. The area is not a Significant Natural Area identified in Schedule Four; and 4. All Subdivision Standards are complied with. Discretion is restricted to: a. Ensuring that landscape or natural feature values within the	Amend activity status as proposed in the submission. Activity Status Restricted Discretionary...

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
		<p>changed. These patterns directly affect natural landscapes and features and subdivision within outstanding areas should therefore be a fully discretionary activity.</p>		<p>overlay for which the area or feature is scheduled are maintained;</p> <p>b. The size, design, shape, location and layout of allotments;</p> <p>c. The provision of infrastructure and services for <u>transport</u>, drinking water, wastewater and stormwater, telecommunications and energy;</p> <p>d. The adequacy of water supply for firefighting;</p> <p>e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and</p> <p>f. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.</p> <p>Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.</p> <p>Activity status where compliance not achieved: Discretionary</p>	

PLAN PROVISION	POSITION	REASON	RELIEF SOUGHT	S42A recommendation	A Young NATC evidence changes sought
SUB - S2 Requirements for building platforms for each allotment	Support with amendments	Amend Rule SUB-S2 to ensure that building platforms are located outside any significant feature identified in the resource consent, and that they can comply with any applicable overlay area.	<p>Amend Rule SUB-S2:</p> <p>1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.</p> <p>a. Must allow the buildings to comply with the standards for a permitted activity in the underlying zone <u>and any applicable overlay area</u> under this District Plan; and</p> <p>b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; <u>and</u></p> <p>c. <u>Must be outside any significant natural, cultural or heritage feature identified in the resource consent</u>; and</p> <p>d. Must be outside of any area identified in a Natural Hazard overlay.</p>	<p>SUB-S2</p> <p>Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations. 2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:</p> <p>a. Must allow the buildings to comply with the standards for a permitted activity in the <u>underlying zone under this District Plan</u>; and</p> <p>b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and</p> <p>c. Must be outside of any area identified in a Natural Hazard overlay</p>	No changes sought to S42A report proposed amendments. As the District Plan requirements include the overlay areas that would restrict development or require consent for development.

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All other Subdivision provisions	Neutral	DOC is neutral as these do not affect priority conservation values, biodiversity values, or DOC's interests.	NA		

Public Access Evidence

Public Access - Te Āheinga Tūmatanui			S42A recommendation
Public Access - Te Āheinga Tūmatanui	Oppose	Oppose this chapter as it contains only one objective regarding the maintenance and enhancement of public access, and these matters are already sufficiently addressed in other chapters of this Plan.	Delete the Public Access - Te Āheinga Tūmatanui Chapter in its entirety.
			587. DoC (S602.099) and Buller District Council (FS149.0120) seek that the PA Chapter is deleted in its entirety. Herenga ā Nuku Aotearoa (FS53.24) oppose this relief sought on the basis that it is important that the value of public access is recognised and emphasised. The pTTPP includes a separate PA chapter in accordance with Standard 7 clause 22 of the planning standard, which require that provisions addressing the maintenance and enhancement of PA be located in the PA chapter. The PA chapter also gives effect to section 6(d) of the RMA – the maintenance and enhancement of public access to and

				along the coastal marine area, lakes, and rivers, as a matter of national importance. I consider that the inclusion of the PA chapter in the pTTPP is consistent with the purpose of the RMA and the planning standards. On this basis, I do not support the relief sought by DoC. ¹
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¹ Te Tai o Poutini Plan Section 42A Officer's Report Subdivision, Financial Contributions and Public Access, page 186